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SALUS POPULI SUPREMA LEX ESTO

“The welfare of the people shall be the supreme law.”



JOHN R. ASHCROFT

SECRETARY OF STATE

MISSOURI
REGISTER

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SECRETARY OF STATE

JOHN R. ASHCROFT

Administrative Rules Division

James C. Kirkpatrick State Information Center

600 W. Main

Jefferson City, MO 65101

(573) 751-4015

EDITOR-IN-CHIEF

CURTIS W. TREAT

•
MANAGING EDITOR

STEPHANIE MARTIN

•
PUBLICATION SPECIALIST II

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•
EDITOR II

VONNE KILBOURN

•
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•
ADMINISTRATIVE AIDE III

TAMMY WINKELMAN

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MISSOURI REGISTER



April 1, 2022

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July 1, 2022	August 1, 2022	August 31, 2022	September 30, 2022
July 15, 2022	August 15, 2022	August 31, 2022	September 30, 2022

Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please see the website at sos.mo.gov/adrules/pubsched.

HOW TO CITE RULES AND RSMO

RULES

The rules are codified in the *Code of State Regulations* in this system—

Title	CSR	Division	Chapter	Rule
3 Department	<i>Code of State Regulations</i>	10- Agency division	4 General area regulated	.115 Specific area regulated

and should be cited in this manner: 3 CSR 10-4.115.

Each department of state government is assigned a title. Each agency or division in the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraphs 1., subparagraphs A., parts (I), subparts (a), items I. and subitems a.

The rule is properly cited by using the full citation; for example, 3 CSR 10-4.115, NOT Rule 10-4.115.

Citations of RSMo are to the *Missouri Revised Statutes* as of the date indicated.

Code and Register on the Internet

The *Code of State Regulations* and *Missouri Register* are available on the Internet.

The *Code* address is sos.mo.gov/adrules/csr/csr

The *Register* address is sos.mo.gov/adrules/moreg/moreg

These websites contain rulemakings and regulations as they appear in the *Code* and *Registers*.

Rules appearing under this heading are filed under the authority granted by section 536.025, RSMo. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety, or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the Missouri and the *United States Constitutions*; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons, and findings which support its conclusion that there is an immediate danger to the public health, safety, or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

Rules filed as emergency rules may be effective not less than ten (10) business days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

All emergency rules must state the period during which they are in effect, and in no case can they be in effect more than one hundred eighty (180) calendar days or thirty (30) legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

tionately effected by disruptions caused by the COVID-19 pandemic. This emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri and United States Constitutions*. The department believes this emergency amendment is fair to all interested persons and parties under the circumstances. Failure to enact this emergency rule amendment will result in current high school seniors being unable to obtain an A+ scholarship award due to circumstances created by the COVID-19 public health emergency and at no fault of their own. This emergency amendment was filed February 16, 2022, becomes effective March 3, 2022, and expires August 29, 2022.

(3) Eligibility Policy.

(A) To qualify for A+ tuition reimbursement, an initial recipient must meet the following criteria:

1. Attend an A+ designated high school or high schools for at least two (2) years prior to graduation and graduate from an A+ designated high school. Enrollment during the two (2) years in which the student was in attendance at one (1) or more A+ designated high schools must total a minimum of eighty percent (80%) of the instructional days required by the high school from which the student graduates. Interruptions in enrollment cumulatively totaling no more than twenty percent (20%) of instructional days in the two (2) years in which the student was in attendance at one (1) or more A+ designated high schools may occur consecutively or intermittently;

2. Make a good faith effort to first secure all available federal sources of funding that could be applied to the A+ Scholarship reimbursement;

3. Be a U.S. citizen or permanent resident;

4. Enter into a written agreement with the A+ designated high school prior to high school graduation;

5. Graduate from an A+ designated high school with an overall grade point average of at least two and one-half (2.5) on a four-point (4.0) scale, or the equivalent on another scale;

6. Have at least a ninety-five percent (95%) attendance record overall for grades nine through twelve (9-12);

7. Have performed fifty (50) hours of unpaid tutoring or mentoring, of which up to twenty-five percent (25%) may include job shadowing, prior to high school graduation, except—

- A. When there are circumstances beyond a student's control, the high school may extend the time period for completing this requirement on a case-by-case basis, not to exceed six (6) months beyond high school graduation;

8. Beginning with the high school senior class of 2015 but with the exception of the high school senior class of 2022, meet one (1) of the following indicators of college preparedness, unless the A+ school district has met all of the Department of Elementary and Secondary Education's (DESE) requirements for waiver of the Algebra I end-of-course exam for the recipient:

- A. Have achieved a score of proficient or advanced on the official Algebra I end-of-course exam, or a higher level DESE approved end-of-course exam in the field of mathematics; or

- B. Meet other criteria established by the CBHE. The CBHE will develop these criteria in consultation with participating A+ institutions and A+ designated high schools and may revise these criteria annually;

9. Have maintained a record of good citizenship and avoidance of the unlawful use of drugs and/or alcohol while in grades nine through twelve (9-12). Student participation in the Constitution Project of Missouri may be included in a student's record of good citizenship in accordance with the A+ designated high school's policy;

10. Be admitted as a regular student, enroll in an eligible program, and attend on a full-time basis a participating institution, except that students in the following circumstances may be enrolled less than full time:

Title 6—DEPARTMENT OF HIGHER EDUCATION AND WORKFORCE DEVELOPMENT Division 10—Commissioner of Higher Education Chapter 2—Student Financial Assistance Program

EMERGENCY AMENDMENT

6 CSR 10-2.190 A+ Scholarship Program. The department is amending paragraph (3)(A)8.

PURPOSE: This emergency amendment removes the requirement that the high school graduates of 2022 meet the requirements of paragraph (3)(A)8. to receive an A+ scholarship award.

EMERGENCY STATEMENT: This emergency amendment is necessary to ensure Missouri's graduates of the class of 2022 do not lose their opportunity to obtain an A+ scholarship award due to testing disruptions due to the COVID-19 public health emergency. This emergency amendment is necessary to preserve a compelling governmental interest, in that this rule will prevent an undue burden to 2022 high school seniors attempting to qualify for an A+ scholarship award during the pandemic. This emergency amendment modifies the eligibility criteria for qualifying for an A+ scholarship by eliminating the required Algebra I test for 2022 graduating seniors as many of those students were unable to take the test when it was cancelled in 2020 due to the pandemic. Students, high schools, and community colleges across the State of Missouri are requesting this emergency amendment to ensure the 2022 high school seniors are not dispropor-

- A. The student is enrolled in all of the available hours applicable to the student's program of study in a given term;
- B. The student is participating in a required internship; or
- C. The student is enrolled in prerequisite courses that do not require full-time enrollment;
- 11. Not be enrolled or intend to use the award to enroll in a course of study leading to a degree in theology or divinity;
- 12. Not have a criminal record preventing receipt of federal Title IV student financial aid;
- 13. Meet the institution's definition of satisfactory academic progress as determined by the participating institution's policies as applied to other students at the participating institution receiving assistance under federal Title IV student financial aid programs, with the exception of cumulative grade point average (CGPA). The student must achieve a minimum CGPA of two (2.0) on a four-point (4.0) scale, or the equivalent on another scale, at the end of the fall semester for semester-based programs, or at the end of the initial payment period for non-semester based programs. The calculation of CGPA shall be based on the participating institution's policies as applied to other students in similar circumstances; and
- 14. For students that receive a positive net disbursement in a given term, maintain eligibility by meeting the following course completion standards. A course is considered complete if the student earns a standard grade for the course, including a failing grade but excluding a grade at withdrawal prior to completion:
 - A. Complete a minimum of twelve (12) semester credit hours in the fall or spring semester, six (6) credit hours in the summer term, or the equivalent, for students enrolled full-time in an eligible credit hour program. Students unable to satisfy the statutory minimum requirements for full-time status under the federal Title IV student financial aid programs as a result of a disability as defined by Title II of the Americans with Disabilities Act must complete a minimum of six (6) credit hours, or the equivalent, in any term;
 - B. Complete a minimum of ninety percent (90%) of the clock hours required for the federal payment period, for students enrolled full-time in an eligible clock hour program; or
 - C. Complete all of the hours in which the student is enrolled in a given term, for students enrolled less than full-time in accordance with subparagraphs (3)(A)10.A.–C. of this rule.

*AUTHORITY: section 160.545, RSMo Supp. [2019] 2021 and Executive Order 10-16, dated January 29, 2010. Original rule filed Feb. 17, 2011, effective Oct. 30, 2011. For intervening history, please consult the **Code of State Regulations**. Emergency amendment filed Feb. 16, 2022, effective March 3, 2022, expires Aug. 29, 2022.*

PUBLIC COST: This emergency amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the time the emergency is effective.

PRIVATE COST: This emergency amendment will not cost private entities more than five hundred dollars (\$500) in the time the emergency is effective.

Under this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

Entirely new rules are printed without any special symbol—
ogy under the heading of proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

An important function of the *Missouri Register* is to solicit and encourage public participation in the rulemaking process. The law provides that for every proposed rule, amendment, or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

If an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

An agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the ninety- (90-) day-count necessary for the filing of the order of rulemaking.

If an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

Proposed Amendment Text Reminder:

Boldface text indicates new matter.

[Bracketed text indicates matter being deleted.]

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities

PROPOSED AMENDMENT

3 CSR 10-12.109 Closed Hours. The commission proposes to remove subsection (1)(E) and (1)(K), add a new subsection (1)(K), add subsection (1)(N), amend subsection (1)(V), and re-letter subsequent subsections of this rule.

PURPOSE: The proposed amendment changes the name of Department of Mental Health (Marshall Habilitation Center Lake) to Marshall (Amary Lake), adds Mineral Area College (Quarry Pond), and removes Macon (Fairgrounds Lake) and Springfield City Utilities (Lake Springfield, Tailwaters Access) from the rule, which establishes closed hours for uses other than fishing and other conservation-related recreation at areas managed in cooperation with other public

entities.

(1) Closed Hours. The following areas are closed to public use from 10:00 p.m. to 4:00 a.m. daily; however, hunting, fishing, trapping, dog training, camping, launching boats, and landing boats are permitted at any time on areas where these activities are authorized, except as further restricted in this chapter:

(E) Department of Mental Health (Marshall Habilitation Center Lake);

(F)(E) Kearney (Jesse James Park Lake);

(G)(F) Kirksville (Hazel Creek Lake, Spur Pond);

(H)(G) Lancaster (City Lake, Paul Bloch Memorial Pond);

(I)(H) La Plata City Lake;

(J)(I) Liberty (Capitol Federal® Sports Complex Ponds Nos. 1, 2, 3, 4, 5, 6, 7, and 8);

(K) Macon County (Fairground Lake);

(L)(J) Marceline (Marceline City Lake, Old Marceline City Reservoir);

(K) Marshall (Amary Lake);

(M)(L) Maysville (Willow Brook Lake);

(N)(M) Memphis (Lake Showme);

(N) Mineral Area College (Quarry Pond);

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.040, RSMo 2016. Original rule filed June 1, 2001, effective Oct. 30, 2001. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Feb. 17, 2022.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with *Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at https://short.mdc.mo.gov/Z49*. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities

PROPOSED AMENDMENT

3 CSR 10-12.110 Use of Boats and Motors. The commission proposes to amend subsection (2)(D) and (2)(L), add subsections (2)(K) and (2)(T), re-letter subsequent subsections, delete section (5) of this rule, and renumbering as necessary.

PURPOSE: The proposed amendment adds Columbia (Norma Sutherland Smith Park Lake), Marshall (Lake Minesa), and Hannibal (Huckleberry Lake) to the list of lakes where boats are prohibited and removes restrictions on the use of boats and motors from Jackson County (Alex George Lake, Bergan Lake, Bowlin Pond, Scherer Lake, Wyatt Lake) and Springfield City Utilities (Lake Springfield).

(2) Boats are prohibited on the following areas:

(D) Columbia (Antimi Lake, Cosmo-Bethel Lake, Lake of the

Woods, Norma Sutherland Smith Park Lake);
 (K) Hannibal (Huckleberry Lake);
 (L) Jackson (Rotary Lake);
 (M) Jackson County (Alex George Lake, Bergan Lake, Bowlin Pond, Fleming Pond, Scherer Lake, Wyatt Lake);
 (N) Jefferson City (McKay Park Lake);
 (O) Jennings (Koeneman Park Lake);
 (P) Kearney (Jesse James Park Lake);
 (Q) Kirksville (Spur Pond);
 (R) Kirkwood (Walker Lake);
 (S) Liberty (Capitol Federal® Sports Complex Ponds Nos. 1, 2, 3, 4, 5, 6, 7, and 8);
 (T) Marshall (Lake Minesa);
 (U) Mexico (Kiwanis Lake);
 (V) Mineral Area College (Quarry Pond);
 (W) Overland (Wild Acres Park Lake);
 (X) Pleasant Hill (Porter Park Lake);
 (Y) Potosi (Roger Bilderback Lake);
 (Z) Raymore (Johnston Lake);
 (AA) Rolla (Schuman Park Lake);
 (BB) St. Ann (Gendron Lake);
 (CC) St. Charles (Fountain Lakes Pond, Kluesner Lake, Moore Lake, Skate Park Lake);
 (DD) St. James (Scioto Lake);
 (EE) St. Joseph (Krug Park Lagoon);
 (FF) St. Louis (Benton Park Lake, Boathouse Lake, Fairgrounds Park Lake, Horseshoe Lake, Hyde Park Lake, Jefferson Lake, Lafayette Park Lake, North Riverfront Park Lake, O'Fallon Park Lake, North Lake, South Lake);
 (GG) St. Louis County (Bee Tree Park Lake, Blackjack Lake, Carp Lake, Fountain Lake, Island Lake, Jarville Lake, Tilles Park Lake);
 (HH) Sedalia (Liberty Park Pond);
 (II) Taos (Taos Countryside Park Lake);
 (JJ) Tipton (Tipton Park Lake);
 (KK) Union (Union City Lake);
 (LL) Watershed Committee of the Ozarks (Valley Water Mill Lake); and
 (MM) Wentzville (Community Club Lake, Heartland Lake).

(5) Outboard motors not in excess of ten (10) horsepower may be used on the following area:

(A) Springfield City Utilities (Lake Springfield).

(6)(5) Outboard motors in excess of ten (10) horsepower may be used but must be operated at slow, no-wake speed on the following areas:

(A) Bethany (North Bethany City Reservoir);
 (B) Brookfield City Lake;
 (C) Cameron (Grindstone Lake);
 (D) Fayette (D.C. Rogers Lake, Peters Lake);
 (E) Fredericktown City Lake;
 (F) Little River Drainage District (Headwaters Diversion Channel);
 (G) Higginsville (Higginsville City Lake, Upper Higginsville City Lake);
 (H) Holden City Lake;
 (I) La Plata City Lake;
 (J) Macon City Lake;
 (K) Marceline (Marceline City Lake, Old Marceline City Reservoir);
 (L) Mark Twain National Forest (Council Bluff Lake, Palmer Lake);
 (M) Maysville (Willow Brook Lake);
 (N) Memphis (Lake Showme);
 (O) Milan (Elmwood Lake);
 (P) Moberly (Rothwell Park Lake, Sugar Creek Lake, and Water

Works Lake);
 (Q) Monroe City (Route J Reservoir);
 (R) Unionville (Lake Mahoney); and
 (S) Wakonda State Park (Agate Lake and Wakonda Lake).

(7)(6) On Springfield City Utilities (Fellows Lake):

(A) Boats are permitted for waterfowl hunting but must be launched at the ramp or hand launched at the designated blind site daily and removed from the lake by sunset daily; and

(B) Outboard motors not in excess of forty (40) horsepower may be used.

(8)(7) Outboard motors of any size may be used on the following areas, but must be operated at slow, no-wake speed:

(A) Concordia (Edwin A. Pape Lake);
 (B) Odessa City Lake;
 (C) Pleasant Hill (Pleasant Hill City Lake); and
 (D) Watkins Mill State Park (Williams Creek Lake).

(9)(8) No boat motor restrictions apply on Harrison County Lake and Maryville (Mozingo Lake).

(10)(9) All boating on Smithville Lake Waterfowl Refuge is closed from October 15 through January 31 in units designated by posting.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.040, RSMo 2016. This rule previously filed as 3 CSR 10-4.116. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the Code of State Regulations. Amended: Filed Feb. 17, 2022.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities

PROPOSED AMENDMENT

3 CSR 10-12.115 Bullfrogs and Green Frogs. The commission proposes to amend paragraph (1)(A)5. of this rule.

PURPOSE: The proposed amendment removes restrictions on the use of bows to take frogs on Jackson County (Alex George Lake, Bergan Lake, Bowlin Pond, Scherer Lake, Tarsney Lake, Wood Lake, Wyatt Lake).

(1) Bullfrogs and green frogs may be taken during the statewide season only by hand, handnet, atlatl, gig, bow, snagging, snaring, grabbing, or pole and line except as further restricted by this chapter.

(A) Bows may not be used to take frogs on the following areas:

1. Blue Springs (Lake Remembrance);
2. Columbia (Antimi Lake, Cosmo-Bethel Lake, Lake of the

Woods, A. Perry Philips Park Lake, Stephens Park Lake, Twin Lakes);
3. Farmington (Giessing Lake, Hager Lake, Thomas Lake);
4. Fulton (Morningside Lake, Truman Lake, Veterans Park Lake);
5. Jackson County (*Alex George Lake, Bergan Lake, Bowlin Pond, Prairie Lee Lake, Scherer Lake, Tarsney Lake, Wood Lake, Wyatt Lake*);
6. Mark Twain National Forest (department-managed portions);
7. Mexico (Lakeview Lake, Kiwanis Lake);
8. Moberly (Beuth Park Lake, Rothwell Park Lake, Water Works Lake);
9. Odessa (Lake Venita);
10. Pleasant Hill (Pleasant Hill City Lake and Porter Park Lake);
11. St. James (Scioto Lake); and
12. Union (Union City Lake).

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.040, RSMo 2016. This rule previously filed as 3 CSR 10-4.116. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Feb. 17, 2022.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with **Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180**, or via the department's website at <https://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities**

PROPOSED AMENDMENT

3 CSR 10-12.125 Hunting and Trapping. The commission proposes to add paragraph (1)(B)11., amend paragraph (1)(B)13., remove paragraph (1)(B)35., and renumber subsequent paragraphs of this rule.

PURPOSE: The proposed amendment adds **Hannibal (Huckleberry Lake)** to the list of locations where hunting is prohibited and removes hunting restrictions for **Jackson County (Alex George Lake, Bergan Lake, Bowlin Pond, Scherer Lake, Tarsney Lake, Wood Lake, Wyatt Lake) and Springfield City Utilities (Lake Springfield)**.

(1) Hunting, under statewide permits, seasons, methods, and limits, is permitted except as further restricted in this chapter and except for deer and turkey hunting as authorized in the annual *Fall Deer & Turkey Hunting Regulations and Information* booklet published in August and annual *Spring Turkey Hunting Regulations and Information* booklet published in March, which are incorporated in this **Code** by reference. A printed copy of these booklets can be obtained from the Missouri Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180 and are also available online at www.missouriconservation.org. This rule does not incorporate any subsequent amendments or additions.

(B) Hunting is prohibited on the following areas:
1. Belton (Cleveland Lake);
2. Bethany (Old Bethany City Reservoir);
3. California (Proctor Park Lake);
4. Carthage (Kellogg Lake);
5. Columbia (Antimi Lake, Cosmo-Bethel Lake, Lake of the Woods, Twin Lakes);
6. Dexter City Lake;
7. Farmington (Giessing Lake, Hager Lake, Thomas Lake);
8. Fenton (Preslar Lake, Upper Fabick Lake, Westside Park Lake);
9. Fulton (Morningside Lake, Truman Lake, Veterans Park Lake);
10. Hamilton City Lake;
11. Hannibal (Huckleberry Lake);
[11.]12. Harrisonville (Lake Luna, North Lake, Upper Lake);
[12.]13. Jackson (Rotary Lake);
*[13.]14. Jackson County (*Alex George Lake, Bergan Lake, Bowlin Pond, Prairie Lee Lake, Scherer Lake, Tarsney Lake, Wood Lake, Wyatt Lake*);*
[14.]15. Kearney (Jesse James Park Lake);
[15.]16. Kirksville (Spur Pond);
[16.]17. Lawson City Lake;
[17.]18. Liberty (Capitol Federal® Sports Complex Ponds Nos. 1, 2, 3, 4, 5, 6, 7, and 8);
[18.]19. Mexico (Lakeview Lake, Kiwanis Lake);
[19.]20. Mineral Area College (Quarry Pond);
[20.]21. Moberly (Rothwell Park Lake, Water Works Lake);
[21.]22. Odessa (Lake Venita);
[22.]23. Overland (Wild Acres Park Lake);
[23.]24. Perry County (Legion Lake 1);
[24.]25. Potosi (Roger Bildeback Lake);
[25.]26. Raymore (Johnston Lake);
[26.]27. Rolla (Schuman Park Lake);
[27.]28. St. Ann (Gendron Lake);
[28.]29. St. Charles (Fountain Lakes Pond, Kluesner Lake, Moore Lake, Skate Park Lake);
[29.]30. St. James (Scioto Lake);
[30.]31. St. Joseph (Krug Park Lagoon);
[31.]32. St. Louis County (Bee Tree Park Lake, Blackjack Lake, Carp Lake, Creve Coeur Park Lake, Fountain Lake, Island Lake, Jarville Lake, Simpson Park Lake, Spanish Lake, Sunfish Lake);
[32.]33. Savannah City Lake;
[33.]34. Sedalia (Clover Dell Park Lake);
[34.]35. Sedalia Water Department (Spring Fork Lake);
[35.]Springfield City Utilities (Lake Springfield);
36. Union (Union City Lake);
37. University of Missouri (Thomas S. Baskett Wildlife Research and Education Center);
38. Warrensburg (Lions Lake);
39. Watershed Committee of the Ozarks (Valley Water Mill Lake);
40. Wentzville (Community Club Lake, Heartland Lake); and
41. Windsor (Farrington Park Lake).

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.040, RSMo 2016. This rule previously filed as 3 CSR 10-4.116. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Feb. 17, 2022.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities

PROPOSED AMENDMENT

3 CSR 10-12.135 Fishing, Methods. The commission is amending sections (3) and (8).

PURPOSE: The proposed amendment will prohibit the take of gizzard shad by dip net or throw net on Hannibal (Huckleberry Lake) and will restrict the use of baits or lures to flies, artificial lures, and unscented soft plastic baits from November 1 thru January 31 on Hannibal (Huckleberry Lake), Marshall (Lake Minesa), and Sikeston (Sikeston Recreation Complex Lake).

(3) Gizzard shad may be taken from lakes and ponds by dip net or throw net, except at the following areas:

- (A) Ballwin (New Ballwin Park Lake, Vlasis Park Lake);
- (B) Fenton (Preslar Lake, Upper Fabick Lake, Westside Park Lake);
- (C) Ferguson (January-Wabash Park Lake);
- (D) Hannibal (Huckleberry Lake);**
- (E) Jennings (Koeneman Park Lake);**
- (F) Kirkwood (Walker Lake);**
- (G) Liberty (Capitol Federal® Sports Complex Ponds Nos. 1, 2, 3, 4, 5, 6, 7, and 8);**
- (H) Overland (Wild Acres Park Lake);**
- (I) Pleasant Hill (Pleasant Hill City Lake and Porter Park Lake);**
- (J) St. Ann (Gendron Lake);**
- (K) St. Louis (Benton Park Lake, Boathouse Lake, Fairgrounds Park Lake, Horseshoe Lake, Hyde Park Lake, Jefferson Lake, Lafayette Park Lake, North Riverfront Park Lake, O'Fallon Park Lake, North Lake, South Lake);**
- (L) St. Louis County (Bee Tree Park Lake, Blackjack Lake, Carp Lake, Creve Coeur Park Lake, Fountain Lake, Island Lake, Jarville Lake, Simpson Park Lake, Spanish Lake, Sunfish Lake, Tilles Park Lake); and**
- (M) Union (Union City Lake).**

(8) Only flies, artificial lures, and soft plastic baits (unscented) may be used from November 1 through January 31 on the following lakes:

- (A) Columbia (Cosmo-Bethel Lake);
- (B) Farmington (Giessing Lake);
- (C) Fulton (Veterans Park Lake);
- (D) Hannibal (Huckleberry Lake);**
- (E) Jackson (Rotary Lake);**
- (F) Jefferson City (McKay Park Lake);**
- (G) Jennings (Koeneman Park Lake);**
- (H) Kirksville (Spur Pond);**
- (I) Kirkwood (Walker Lake);**
- (J) Marshall (Lake Minesa);**
- (K) Mexico (Kiwanis Lake);**
- (L) Missouri Western State University (Everyday Pond);**
- (M) Overland (Wild Acres Park Lake);**
- (N) Perry County (Legion Lake 1);**
- (O) Sedalia (Liberty Park Pond);**

(P) Sikeston (Sikeston Recreation Complex Lake);
(Q) St. Joseph (Krug Park Lagoon);
(R) St. Louis (Jefferson Lake);
(S) St. Louis County (Tilles Park Lake); and
(T) Union (Union City Lake).

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.040, RSMo 2016. This rule previously filed as 3 CSR 10-4.116. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Feb. 17, 2022.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities

PROPOSED AMENDMENT

3 CSR 10-12.140 Fishing, Daily and Possession Limits. The commission is amending sections (2), (5), and (9).

PURPOSE: The proposed amendment removes Jackson County (Alex George Lake, Bergan Lake, Bowlin Pond, Scherer Lake, Tarsney Lake, Wood Lake, Wyatt Lake) from the provision which restricts the daily limit of black bass to two (2) fish, establishes a catch-and release requirement for all trout caught on Hannibal (Huckleberry Lake), Marshall (Lake Minesa), and Sikeston (Sikeston Recreation Complex Lake) from November 1 through January 31, and changes the daily limit for crappie on Maryville (Mozingo Lake) from fifteen (15) fish daily to the statewide limit of thirty (30) fish daily.

(2) The daily limit for black bass is two (2) on the following lakes:

(L) Jackson County (Alex George Lake, Bergan Lake, Bowlin Pond, Lake Jacomo, Prairie Lee Lake, Scherer Lake, Tarsney Lake, Wood Lake, Wyatt Lake);

(5) The daily limit for crappie is fifteen (15) on the following lakes:

(E) Maryville (Mozingo Lake);
(F) St. Ann (Gendron Lake);
(G) St. Charles (Fountain Lakes Pond, Kluesner Lake, Moore Lake, Skate Park Lake);

(H) St. Louis (Benton Park Lake, Boathouse Lake, Fairgrounds Park Lake, Horseshoe Lake, Hyde Park Lake, Jefferson Lake, Lafayette Park Lake, North Riverfront Park Lake, O'Fallon Park Lake, North Lake, South Lake);

(I) St. Louis County (Bee Tree Park Lake, Blackjack Lake, Carp Lake, Creve Coeur Park Lake, Fountain Lake, Island Lake, Jarville Lake, Simpson Park Lake, Spanish Lake, Sunfish Lake, Tilles Park Lake);

(J) Springfield City Utilities (Fellows Lake); and
(K) Wentzville (Community Club Lake, Heartland Lake).

(9) Trout must be returned to the water unharmed immediately after being caught from November 1 through January 31 on the **following** lakes *(listed below. Trout)* and may not be possessed on these waters during this season.:

- (A) Columbia (Cosmo-Bethel Lake);
- (B) Farmington (Giessing Lake);
- (C) Fulton (Veterans Park Lake);
- (D) Hannibal (Huckleberry Lake);**
- (D)* Jackson (Rotary Lake);
- (E)* Jefferson City (McKay Park Lake);
- (F)* Jennings (Koeneman Park Lake);
- (G)* Kirksville (Spur Pond);
- (H)* Kirkwood (Walker Lake);
- (J) Marshall (Lake Minesa);**
- (I)* Mexico (Kiwanis Lake);
- (J)* Overland (Wild Acres Park Lake);
- (K)* Perry County (Legion Lake 1);
- (L)* Sedalia (Liberty Park Pond);
- (O) Sikeston (Sikeston Recreation Complex Lake);**
- (M)* St. Louis (Jefferson Lake);
- (N)* St. Louis County (Tilles Park Lake); and
- (O)* Union (Union City Lake).

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.040, RSMo 2016. This rule previously filed as 3 CSR 10-4.116. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Feb. 17, 2022.

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions approximately fourteen thousand one hundred sixteen dollars and eighty cents (\$14,116.80) in the aggregate each year.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**FISCAL NOTE
PUBLIC COST**

I. Department Title: Title 3 – Department of Conservation
 Division Title: Division 10 – Conservation Commission
 Chapter Title: Chapter 12 – Wildlife Code: Special Regulations for Areas Owned by Other Entities

Rule Number and Name:	3 CSR 10-12.140 Fishing, Daily and Possession Limits.
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Conservation	\$8,776.96/year
City of Hannibal	\$1,057.28/year
City of Sikeston	\$3,116.88/year
City of Marshall	\$1,165.68/year

III. WORKSHEET**Department of Conservation**

Fish Cost (City of Hannibal): 1.8 acres * 400 fish/acre * \$2.71/trout*.50 percent = **\$975.60**

Mileage (City of Hannibal Delivery): 418 miles * \$1.69/mile = **\$706.42**

Staff Time (Delivery – City of Hannibal): 2 staff*12 hours*\$20.42/hour = **\$490.08**

Staff time for Other Coordination: 1 city*2 staff * 4 hours*\$20.42/hour = **\$163.36**

MDC/Hannibal Subtotal: **\$2,335.46**

Fish Cost (City of Sikeston): 5.6 acres * 400 fish/acre * \$2.71/trout*.50 percent = **\$3,035.20**

Mileage (City of Sikeston Delivery): 370 miles * \$1.69/mile = **\$625.30**

Staff Time (Delivery – City of Sikeston): 2 staff*10 hours*\$20.42/hour = **\$408.40**

Staff time for Other Coordination: 1 city*2 staff * 4 hours*\$20.42/hour = **\$163.36**

MDC/Sikeston Subtotal: **\$4,232.26**

Fish Cost (City of Marshall): 2 acres * 400 fish/acre * \$2.71/trout*.50 percent = **\$1,084.00**

Mileage (City of Marshall Delivery): 400 miles * \$1.69/mile = **\$676.00**

Staff Time (Delivery – City of Marshall): 2 staff*7 hours*\$20.42/hour = **\$285.88**

Staff time for Other Coordination: 1 city*2 staff * 4 hours*\$20.42/hour = **\$163.36**

MDC/Marshall Subtotal: **\$2,209.24**

City of Hannibal

Fish Cost: 1.8 acres * 400 fish/acre * \$2.71/trout*.50 percent = **\$975.60**

Coordination/Administration: 1 staff* 4 hours* \$20.42/hour = **\$81.68**

City of Hannibal Subtotal: **\$1,057.28**

City of Sikeston

Fish Cost: 5.6 acres * 400 fish/acre * \$2.71/trout*.50 percent = **\$3,035.20**

Coordination/Administration: 1 staff* 4 hours* \$20.42/hour = **\$81.68**

City of Sikeston Subtotal: **\$3,116.88**

City of Marshall

Fish Cost: 2 acres * 400 fish/acre * \$2.71/trout*.50 percent = **\$1,084.00**

Coordination/Administration: 1 staff* 4 hours* \$20.42/hour = **\$81.68**

City of Sikeston Subtotal: **\$1,165.68**

Total of Above: \$ 14,116.80 (Annual Cost)

IV. ASSUMPTIONS

- The Department will cover fifty percent (50%) of the purchase cost for trout with Winter Urban Trout Program partners.
- Cities in the Winter Urban Trout Program will cover fifty percent (50%) of the purchase cost for trout.
- The cost per trout is two dollars and seventy-one cents (\$2.71) (Contract Price: Contract #CC211298001).
- Stocking rate is four hundred (400) trout per acre for Winter Urban Trout Program partners (Source: A Plan for Allocation and Stocking Trout in MO (July 2009)).
- The Department will provide for the delivery of the trout. All mileage in this assumption is figured from Montauk State Fish Hatchery to the city lake stocking point.
- The MDC operation cost for a fish delivery truck (road tractor – tandem axle) to deliver trout is one dollar and sixty-nine (\$1.69) per mile (Source: MDC Fleet Services FY21).
- Average cost of coldwater hatchery staff time per hour is twenty dollars and forty-two cents (\$20.42) (Source: MDC FY 21 Salary Structure, Salary Range Table, Midpoint of salary range).
- Hannibal (Huckleberry Lake) is one point eight (1.8) acres (CAP agreement FY22).
- Sikeston (Sikeston Recreational Complex Lake) is five point six (5.6) acres (CAP agreement FY22).
- Marshall (Lake Minesa) is two (2) acres (CAP agreement FY22).
- City staff time for coordination of stocking is estimated at the same hourly rate as MDC staff.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities

PROPOSED AMENDMENT

3 CSR 10-12.145 Fishing, Length Limits. The commission proposes to amend paragraphs (2)(A)13. and (2)(A)19. and add section (9) to this rule.

PURPOSE: *The proposed amendment adds Farmington (Asher Lake) to the provision of this rule which restricts the length limit of black bass to fifteen inches (15"), removes this restriction on Jackson County (Alex George Lake, Bergan Lake, Bowlin Pond, Scherer Lake, Tarsney Lake, Wood Lake, Wyatt Lake), and prohibits the inclusion of more than fifteen (15) crappie greater than nine inches (9") in total length in an angler's daily limit on Maryville (Mozingo Lake).*

(2) Black bass more than twelve inches (12") but less than fifteen inches (15") total length must be returned to the water unharmed immediately after being caught, except as follows:

(A) Black bass less than fifteen inches (15") total length must be returned to the water unharmed immediately after being caught on the following lakes:

1. Arrow Rock State Historic Site (Big Soldier Lake);
2. Belton (Cleveland Lake);
3. Bethany (Old Bethany City Reservoir);
4. Blue Springs (Lake Remembrance);
5. Butler City Lake;
6. Cameron (Century Lake, Eagle Lake, Grindstone Lake, Sunrise Lake);
7. Carthage (Kellogg Lake);
8. Columbia (Stephens Park Lake);
9. Concordia (Edwin A. Pape Lake);
10. Confederate Memorial State Historic Site lakes;
11. Dexter City Lake;
12. East Prairie (K. S. Simpkins Park Pond);
13. Farmington (Asher Lake, Hager Lake, Giessing Lake, Thomas Lake);
14. Hamilton City Lake;
15. Harrison County Lake;
16. Higginsville (Higginsville City Lake, Upper Higginsville City Lake);
17. Holden City Lake;
18. Jackson (Litz Park Lake, Rotary Lake);
19. Jackson County (Alex George Lake, Bergan Lake, Bowlin Pond, Lake Jacomo, Prairie Lee Lake, Scherer Lake, Tarsney Lake, Wood Lake, Wyatt Lake);
20. Jefferson City (McKay Park Lake);
21. Kearney (Jesse James Park Lake);
22. Keytesville (Maxwell Taylor Park Pond);
23. Kirksville (Hazel Creek Lake);
24. Liberty (Capitol Federal® Sports Complex Ponds Nos. 1, 2, 3, 4, 5, 6, 7, and 8);
25. Marble Hill (Pellegrino Lake);
26. Mark Twain National Forest (Fourche Lake, Huzzah Pond, Loggers Lake, McCormack Lake, Noblett Lake, Roby Lake);
27. Maysville (Willow Brook Lake);
28. Mineral Area College (Quarry Pond);
29. Odessa (Lake Venita);
30. Pershing State Park ponds;
31. Potosi (Roger Bilderback Lake);
32. Raymore (Johnston Lake);
33. Sikeston (Sikeston Recreation Complex Lake);
34. Unionville (Lake Mahoney);

35. University of Missouri (McCredie Lake);
36. Warrensburg (Lions Lake);
37. Watkins Mill State Park (Williams Creek Lake); and
38. Windsor (Farrington Park Lake);

(9) On Maryville (Mozingo Lake), the daily limit of all crappie may include not more than fifteen (15) fish more than nine inches (9") in total length.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.040, RSMo 2016. This rule previously filed as 3 CSR 10-4.116. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Feb. 17, 2022.

PUBLIC COST: *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <https://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 8—DEPARTMENT OF LABOR AND
INDUSTRIAL RELATIONS**
Division 40—State Board of Mediation
Chapter 1—Organization and Description

PROPOSED AMENDMENT

8 CSR 40-1.010 General Organization. The board proposes to amend subsection (1)(C).

PURPOSE: *This amendment updates the State Board of Mediation's address.*

(1) The State Board of Mediation is an agency of the Department of Labor and Industrial Relations.

(C) The public may obtain information or make submissions or requests to the State Board of Mediation, P.O. Box 12071, Jefferson City, MO 65102, telephone (573) 751-3614.

AUTHORITY: section 295.070, RSMo [1994] 2016. Original rule filed Aug. 30, 1976, effective Dec. 11, 1976. Amended: Filed June 17, 1998, effective Jan. 30, 1999. Amended: Filed March 1, 2022.

PUBLIC COST: *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Mediation, Attn: Todd Smith, Chairman, PO Box 2071, Jefferson City, MO 65102-2071. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 8—DEPARTMENT OF LABOR AND
INDUSTRIAL RELATIONS**
Division 40—State Board of Mediation
Chapter 2—General Rules

PROPOSED AMENDMENT

8 CSR 40-2.010 Definitions. The board proposes to amend section (1).

PURPOSE: This amendment allows actions of the chair to be delegated and clarifies the definition of “showing of interest.”

(1) The following definitions are listed to clarify the terminology applicable to these rules unless otherwise specifically provided or unless plainly repugnant to the intent of the law or the context:

(B) Chair/*man*, means the chief administrator of the State Board of Mediation or an officer designated by the chair to act on the chair’s behalf;

(C) Certification means the designation by the *[chairman or the]* board of an employee organization selected as the majority representative of employees through an election in an appropriate bargaining unit;

[(D) Mediator means the board members, employees of the board or any officer so designated by the board to perform the functions and duties of mediation;]

*[(E)](D) Officer means any member, counsel, election officer, chair/*man*, or any other individual or employee specifically designated as an officer of the board to act on the board’s behalf. The board may delegate to such officer all of the powers conferred upon the board in connection with the discharge of the *[duty/ies]* duties so delegated;*

[(F)](E) Party means any person, employee, group of employees, organization, or public employer filing a petition, request or application under these rules; any person, organization, or public employer named as a party in a complaint, request, application, or petition filed under these rules; any incumbent majority representative; or any other person, organization, or public employer whose intervention in a proceeding has been permitted or directed by the board, but nothing in this rule shall be construed to prevent the board or any designated officer, from limiting any party’s participation in the proceedings to the extent of his/her interest;

*[(G)](F) Showing of interest means a designated percentage of employees *[in an allegedly appropriate bargaining unit or a bargaining unit determined to be appropriate, who are members of a labor organization or have designated it as their exclusive bargaining representative or]* as determined by the board who have *[signed a petition requesting an election for certification or decertification of employee representatives]* provided signatures indicating the desire to have or not to have a named employee organization as a representative; and*

[(H)](G) Voluntary recognition means an employer has recognized an employee organization as the majority representative of an appropriate unit of its employees. The granting of such recognition is at the discretion of the employer and has been granted outside the authority of the State Board of Mediation and the certification process.

AUTHORITY: section 295.070, RSMo [1994] 2016. Original rule filed Dec. 31, 1975, effective Jan. 10, 1976. Amended: Filed May 3, 1999, effective Nov. 30, 1999. Amended: Filed March 1, 2022.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Mediation, Attn: Todd Smith, Chairman, PO Box 2071, Jefferson City, MO 65102-2071. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 8—DEPARTMENT OF LABOR AND
INDUSTRIAL RELATIONS**
Division 40—State Board of Mediation
Chapter 2—General Rules

PROPOSED RESCISSON

8 CSR 40-2.020 Petitions for Certification or Decertification. This rule described who might file petitions for certification or decertification and where to file petitions.

PURPOSE: This rule is being rescinded as the requirements for filing petitions for certification and decertification have been incorporated into the amended rule 8 CSR 40-2.030.

AUTHORITY: section 295.070, RSMo 1994. Original rule filed Dec. 31, 1975, effective Jan. 10, 1976. Amended: Filed May 3, 1999, effective Nov. 30, 1999. Rescinded: Filed March 1, 2022.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the State Board of Mediation, Attn: Todd Smith, Chairman, PO Box 2071, Jefferson City, MO 65102-2071. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 8—DEPARTMENT OF LABOR AND
INDUSTRIAL RELATIONS**
Division 40—State Board of Mediation
Chapter 2—General Rules

PROPOSED RULE

8 CSR 40-2.025 Practice by a Licensed Attorney, When Required

PURPOSE: This rule states when and how a party must be represented by a licensed attorney.

(1) Any individual may present that individual’s own case without a licensed attorney.

(2) Only a licensed attorney may represent any other person, including a corporation, limited liability company, or other legal entity. All petitions filed with the State Board of Mediation must be filed by a licensed attorney. The filing of the petition shall be deemed an entry of appearance. An attorney must provide his/her bar number when filing the petition. An attorney not authorized to practice in Missouri shall enter an appearance in accordance with Missouri Supreme Court Rules.

AUTHORITY: section 295.070, RSMo 2016. Original rule filed March 1, 2022.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the State Board of Mediation, Attn: Todd Smith, Chairman, PO Box 2071, Jefferson City, MO 65102-2071. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 8—DEPARTMENT OF LABOR AND
INDUSTRIAL RELATIONS**
Division 40—State Board of Mediation
Chapter 2—General Rules

PROPOSED AMENDMENT

8 CSR 40-2.030 Contents of Petitions [for Certification]. The board proposes to amend the title, purpose, and sections (1)–(3), and add new section (4).

PURPOSE: This amendment allows petitions to be submitted electronically, requires parties to provide an electronic mail address, and adds the petition requirements for petitions for decertification, Unit Clarification, and Amendment of Certification.

PURPOSE: This rule describes the contents of [a] petitions [for certification].

(1) [A petition for certification of public employee representative, when filed by a public employee, group of public employees, any individual or employee organization,] All petitions shall be submitted through the board's website and shall contain substantially the following:

(A) Name, address, telephone number, and [facsimile number] electronic mail address of the public employer and the person to contact including his/her title, if known;

(B) A description of the bargaining unit [claimed to be appropriate for the purpose of exclusive representation by the petitioner] at issue. Such description shall indicate the general classifications of employees [sought to be included and those sought to be excluded] and the approximate number of employees in the bargaining unit [claimed to be appropriate];

(D) Name, address, electronic mail address, and telephone number of the voluntarily recognized or certified exclusive representative, if any, and the date of such certification [or recognition] and the expiration date of any applicable contract, if known to the petitioner;

(E) Names, addresses, electronic mail addresses, and telephone numbers of any other interested employee organizations, if known to the petitioner;

(G) Name and affiliation, if any, of the petitioner and its address, electronic mail address, and telephone number;

(H) The signature of the petitioner's representative, including his/her title, telephone number, electronic mail address, and facsimile number; and

(I) A petition for certification [of public employee representative] or decertification shall be accompanied by a showing of interest as defined in 8 CSR 40-2.010(1)/(G)/(F) of not less than thirty percent (30%) of the employees in the unit alleged to be appropriate to be approved by the board. Such showing of interest shall be dated not more than six (6) months prior to filing [of] the petition.

(2) A petition for certification [of public employee representative] or decertification filed by a public employer shall state that a claim for representation has been made by one (1) or more public employees, groups of public employees, individuals, or employee organizations and that the public employer has a good faith doubt concerning the majority representative of its employees.

(3) [A petition for certification of representative filed by a public employer shall include all the information set forth in 8 CSR 40-2.030(1), except subsection (I).] In addition to the requirements above, all petitions for decertification shall additionally include a statement that the employees in the collective bargaining unit no longer wish to be represented by their currently certified representative.

(A) If the decertification petition is submitted by a third party having a legitimate interest, the third party must also file a petition of intervention pursuant to section 8 CSR 40-2.130.

(4) Petition for Unit Clarification and Amendment of Certification may be filed by the majority representative of the public employees or the employer. A Petition for Unit Clarification may be filed when the petitioner(s) seeks clarification of the placement of certain job classifications in a bargaining unit previously certified by the board. A Petition for Amendment of Certification may be filed when the petitioner seeks an amendment to reflect changed circumstances (such as merger or affiliation) in a unit covered by a certification and where no question concerning representation exists. In addition to the requirements of 8 CSR 40-2.030(1), Petitions for Unit Clarification and Petitions for Amendment of Certification shall include:

(A) The proposed clarification of the unit or amendment of certification; and

(B) A statement by the petitioner setting forth reasons as to why clarification or amendment is requested.

AUTHORITY: section 295.070, RSMO [1994] 2016. Original rule filed Dec. 31, 1975, effective Jan. 10, 1976. Amended: Filed May 3, 1999, effective Nov. 30, 1999. Amended: Filed March 1, 2022.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Mediation, Attn: Todd Smith, Chairman, PO Box 2071, Jefferson City, MO 65102-2071. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 8—DEPARTMENT OF LABOR AND
INDUSTRIAL RELATIONS**
Division 40—State Board of Mediation
Chapter 2—General Rules

PROPOSED RESCISSION

8 CSR 40-2.040 Contents of Petition for Decertification. This rule describes the contents of a petition for decertification.

PURPOSE: This rule is being rescinded as the requirements for filing petitions for decertification have been incorporated into the amended rule 8 CSR 40-2.030.

AUTHORITY: section 295.070, RSMo 1994. Original rule filed Dec. 31, 1975, effective Jan. 10, 1976. Amended: Filed May 3, 1999, effective Nov. 30, 1999. Rescinded: Filed March 1, 2022.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the State Board of Mediation, Attn: Todd Smith, Chairman, PO Box 2071, Jefferson City, MO 65102-2071. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 8—DEPARTMENT OF LABOR AND
INDUSTRIAL RELATIONS**
Division 40—State Board of Mediation
Chapter 2—General Rules

PROPOSED RESCISSION

8 CSR 40-2.050 Petition for Unit Clarification. This rule described who might file a petition for clarification of bargaining unit of certification and the contents of the petition.

PURPOSE: This rule is being rescinded as the requirements for filing petitions for unit clarification have been incorporated into the amended rule 8 CSR 40-2.030.

AUTHORITY: section 295.070, RSMo 1994. Original rule filed Dec. 31, 1975, effective Jan. 10, 1976. Amended: Filed May 3, 1999, effective Nov. 30, 1999. Rescinded: Filed March 1, 2022.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the State Board of Mediation, Attn: Todd Smith, Chairman, PO Box 2071, Jefferson City, MO 65102-2071. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 8—DEPARTMENT OF LABOR AND
INDUSTRIAL RELATIONS**
Division 40—State Board of Mediation
Chapter 2—General Rules

PROPOSED RESCISSION

8 CSR 40-2.055 Petition for Amendment of Certification. This rule described who might file a petition for Amendment of Certification and the contents of the petition.

PURPOSE: This rule is being rescinded as the requirements for filing petitions for amendment of certification have been incorporated into the amended rule 8 CSR 40-2.030.

AUTHORITY: section 295.070, RSMo 1994. Original rule filed May 3, 1999, effective Nov. 30, 1999. Rescinded: Filed March 1, 2022.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the State Board of Mediation, Attn: Todd Smith, Chairman, PO Box 2071, Jefferson City, MO 65102-2071. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 8—DEPARTMENT OF LABOR AND
INDUSTRIAL RELATIONS**
Division 40—State Board of Mediation
Chapter 2—General Rules

PROPOSED RESCISSION

8 CSR 40-2.060 Number of Copies of Petition to be Filed. This rule described the number of paper copies of petitions to be filed and where they should be mailed.

PURPOSE: This rule is being rescinded as the requirements for filing petitions have been incorporated into the amended rule 8 CSR 40-2.030 and paper copies are no longer required.

AUTHORITY: section 295.070, RSMo 1994. Original rule filed Dec. 31, 1975, effective Jan. 10, 1976. Amended: Filed June 17, 1998, effective Jan. 30, 1999. Rescinded: Filed March 1, 2022.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the State Board of Mediation, Attn: Todd Smith, Chairman, PO Box 2071, Jefferson City, MO 65102-2071. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 8—DEPARTMENT OF LABOR AND
INDUSTRIAL RELATIONS**
Division 40—State Board of Mediation
Chapter 2—General Rules

PROPOSED AMENDMENT

8 CSR 40-2.070 Validity of Showing of Interest. The board proposes to amend section (1).

PURPOSE: This amendment removes reference to a section that is being rescinded.

(1) The showing of interest submitted pursuant to 8 CSR 40-2.030, 8 CSR 40-2.040, and 8 CSR 40-2.130 shall not be furnished to any of the parties. The chair/man/ shall determine the adequacy of

the showing of interest and such decision shall not be subject to collateral attack at a preliminary conference or a hearing.

AUTHORITY: section 295.070, RSMo [1994] 2016. Original rule filed Dec. 31, 1975, effective Jan. 10, 1976. Amended: Filed May 3, 1999, effective Nov. 30, 1999. Amended: Filed March 1, 2022.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Mediation, Attn: Todd Smith, Chairman, PO Box 2071, Jefferson City, MO 65102-2071. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 8—DEPARTMENT OF LABOR AND
INDUSTRIAL RELATIONS**

Division 40—State Board of Mediation

Chapter 2—General Rules

PROPOSED AMENDMENT

8 CSR 40-2.080 Processing of Petition. The board proposes to amend section (1) and add section (2).

PURPOSE: This amendment requires the board to send a copy of all petitions filed with the board to the opposing party when an electronic mailing address is provided.

(1) Upon the filing of any petition, the chair/man] shall investigate the petition to determine the facts. The chair/man] shall determine whether or not a valid question concerning the representation of employees exists in a *prima facie* appropriate unit.

(2) A copy of all petitions filed with the board will automatically be sent to the opposing party if an electronic mailing address of the opposing party is provided on the petition.

(3) If no electronic mailing address is provided, it is the responsibility of the party filing the petition to serve the petition on all other parties.

AUTHORITY: section 295.070, RSMo [1986] 2016. Original rule filed Dec. 31, 1975, effective Jan. 10, 1976. Amended: Filed March 1, 2022.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Mediation, Attn: Todd Smith, Chairman, PO Box 2071, Jefferson City, MO 65102-2071. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 8—DEPARTMENT OF LABOR AND
INDUSTRIAL RELATIONS**

Division 40—State Board of Mediation

Chapter 2—General Rules

PROPOSED AMENDMENT

8 CSR 40-2.090 Withdrawal or Dismissal of Petition. The board proposes to amend section (1).

PURPOSE: This amendment changes the term chairman to chair and eliminates references to gender.

(1) If the chair/man] determines after an investigation that the petition has not been timely filed or that no valid question concerning the representation of employees exists in a *prima facie* appropriate unit, [s/he] the chair may request the party filing such petition to withdraw the petition without prejudice or in the absence of such withdrawal, within a reasonable time, [s/he] the chair may dismiss the petition. Such action may be taken by the chair/man] at any time prior to the closing of the case.

AUTHORITY: section 295.070, RSMo [1986] 2016. Original rule filed Dec. 31, 1975, effective Jan. 10, 1976. Amended: Filed March 1, 2022.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Mediation, Attn: Todd Smith, Chairman, PO Box 2071, Jefferson City, MO 65102-2071. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 8—DEPARTMENT OF
LABOR AND INDUSTRIAL RELATIONS**

Division 40—State Board of Mediation

Chapter 2—General Rules

PROPOSED AMENDMENT

8 CSR 40-2.100 Initial Action. The board proposes to amend section (1).

PURPOSE: This amendment allows the board to hold a hearing for disputes that arise between the parties and changes the designation of the authorized officer to the chair.

(1) Upon the filing of any petition, [an authorized officer] the chair shall confer with and may hold informal conferences with the known interested parties in an attempt to ascertain the facts. [The authorized officer shall encourage the parties to agree upon the appropriate bargaining unit and a suitable method by which representation is to be determined.] Whenever the [authorized officer] chair shall determine that the parties are unable to agree upon [a suitable method or upon the appropriate bargaining unit] any fact or matter, and [s/he is] they are unable to settle the controversy without hearing, [s/he] the board shall conduct a hearing to resolve such matters [and s/he shall notify the parties of the time and place of such a hearing in writing at least ten (10) days, excluding Saturdays, Sundays

and legal holidays, in advance].

AUTHORITY: section 295.070, RSMo [1994] 2016. Original rule filed Dec. 31, 1975, effective Jan. 10, 1976. Amended: Filed May 3, 1999, effective Nov. 30, 1999. Amended: Filed March 1, 2022.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Mediation, Attn: Todd Smith, Chairman, PO Box 2071, Jefferson City, MO 65102-2071. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 8—DEPARTMENT OF LABOR AND
INDUSTRIAL RELATIONS**
Division 40—State Board of Mediation
Chapter 2—General Rules

PROPOSED AMENDMENT

8 CSR 40-2.120 List of Employees. The board proposes to amend section (1).

PURPOSE: This amendment requires the employer to provide the employee list electronically and specifies that the list remains property of the employer.

(1) The public employer shall furnish to the board **in an electronic format** a current list of all employees in a proposed **[or agreed-upon]** bargaining unit to determine the **[thirty percent (30%)] adequacy of a** showing of interest. The list of employees must be submitted prior to or as a first order of business of any scheduled preliminary conference or hearing. **The list remains the property of the employer.** If the list has not been provided to the board by the date designated, the chair/**man** or the board will determine the showing of interest using the estimated number of employees stated on the petition and the authorization **[cards]** **signatures** submitted by petitioner.

AUTHORITY: section 295.070, RSMo [1994] 2016. Original rule filed Dec. 31, 1975, effective Jan. 10, 1976. Amended: Filed May 3, 1999, effective Nov. 30, 1999. Amended: Filed March 1, 2022.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Mediation, Attn: Todd Smith, Chairman, PO Box 2071, Jefferson City, MO 65102-2071. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 8—DEPARTMENT OF LABOR AND
INDUSTRIAL RELATIONS**
Division 40—State Board of Mediation
Chapter 2—General Rules

PROPOSED AMENDMENT

8 CSR 40-2.130 Intervention. The board proposes to amend section (1).

PURPOSE: This amendment clarifies procedures for an intervening party.

(1) Any third party having a legitimate interest in any proceedings may file a petition of intervention setting forth facts sufficient to establish such interest and requesting that the board resolve contested factual matters in its favor. For purposes of third-party intervention, legitimate interest **[means the]** **shall be determined by the board and any approved** intervenor must be able to prove it is authorized to represent at least ten percent (10%) of the employees within a proposed bargaining unit. **[An intervening organization's showing of legitimate interest shall be made either prior to the parties signing a consent election agreement or, absent an agreement,] If the board determines intervenor has provided an adequate showing of interest pursuant to 8 CSR 40-2.070, all parties shall be notified of the determination prior to the start of any hearing.** Any organization which has a signed, valid collective bargaining agreement encompassing the proposed bargaining unit, or any portion, shall be considered to have a legitimate interest in any proceedings upon presentation of same.

AUTHORITY: section 295.070, RSMo [1994] 2016. Original rule filed Dec. 31, 1975, effective Jan. 10, 1976. Amended: Filed May 3, 1999, effective Nov. 30, 1999. Amended: Filed March 1, 2022.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Mediation, Attn: Todd Smith, Chairman, PO Box 2071, Jefferson City, MO 65102-2071. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 8—DEPARTMENT OF LABOR AND
INDUSTRIAL RELATIONS**
Division 40—State Board of Mediation
Chapter 2—General Rules

PROPOSED AMENDMENT

8 CSR 40-2.140 Hearings. The board proposes to amend sections (1)–(3), (5), (8), and (10)–(12) and add new section (13).

PURPOSE: This amendment allows the chair to have discretion for conducting hearings and allows for notice and evidence to be sent electronically. It also specifies the procedure for hiring and paying a court reporter.

(1) The chair/**man** shall issue a notice of hearing, if after the filing of a valid petition, the petitioner, the public employer and all intervenors are unable to resolve the matter through an agreed-upon

method of adjustment approved by the chair/*man*. The chair has the discretion to determine the time, place, and means (physical appearance, telephonic, or electronic) of the hearing.

(2) A notice of hearing shall be served on all interested parties *[provided]* and shall be in writing and mailed or electronically transmitted at least ten (10) days' notice, excluding Saturdays, Sundays and legal holidays, and before the hearing, unless otherwise agreed to by the chair and the parties. Such notice of hearing shall include:

(3) Hearings under these rules are considered investigatory and not *[adversary]* adversarial. Their purpose is to develop a full and complete factual record upon which the board may base a meaningful report and recommendation.

(5) Rights of parties are—

(A) Any party shall have the right to appear at such hearing *[in person, by counsel or by other representative,]* to call, examine, and cross-examine witnesses and to introduce into the record documentary or other relevant evidence, except that the participation of any party shall be limited to the extent permitted by the board; and provided further, that *[five (5)]* electronic copies of documentary evidence shall be submitted to the board and to the other parties involved in the hearing; and

(B) The board at its discretion may require paper copies of documents and may permit *[a reduced number of copies of documentary evidence for good cause shown]* the filing of paper documents.

(8) Stipulation of Fact.

(B) An agreed statement of facts may be accepted by the chair/*man* for a decision without a hearing.

(C) The acceptance of an agreed statement of facts by the chair/*man* may be deemed a waiver of a right to hearing.

(10) Motions Before or After Hearing.

(A) All motions, other than those made during a hearing, shall be made in writing to the chair/*man*, shall briefly state the relief sought, and shall be accompanied by affidavits setting forth the grounds for such motion.

(B) The moving party shall serve a copy of all motion papers on all other parties, and within three (3) days thereafter, excluding Saturdays, Sundays, and legal holidays, shall file with the chair/*man* the *[original and four (4) copies]* same with proof of service.

(C) Answering affidavits, if any, must be served on all parties and *[the original, together with four (4) copies and]* proof of service, shall be filed with the chair/*man* within five (5) days, excluding Saturdays, Sundays, and legal holidays, after service *[of the moving papers,]* unless the chair/*man* directs otherwise.

(D) The chair/*man* may decide to hear oral argument or to hear testimony thereon, in which case *[s/he]* the chair shall notify the parties of such fact and of the time and place of such argument or for the taking of such testimony.

(11) Filing of Brief and Oral Argument at Hearing.

(B) At the discretion of the chair, the parties may be required to submit briefs within a reasonable time prior to the commencement of any hearing. Any party shall be entitled, upon request made before the close of the hearing, to file a brief or proposed findings and conclusions, or both, with the board who may fix a reasonable time for such filing, but not in excess of twenty-one (21) days, excluding Saturdays, Sundays and legal holidays, from the close of the hearing.

(C) Requests for further extensions of time *[for good cause shown]* shall be made to the chair/*man* and may be granted at the chair's discretion.

(D) No request will be considered unless received at least three (3)

days, excluding Saturdays, Sundays, and legal holidays, prior to the expiration of the time fixed for the filing of briefs or proposed findings and conclusions, unless expressly authorized by the chair/*man*.

(F) *[Five (5) copies of a]* Any brief or proposed findings and conclusions shall be filed with the chair/*man*, and copies shall be served simultaneously on the other parties, and a statement of such service shall be furnished.

(12) At the discretion of the chair/*man*, the hearing may be continued from day-to-day, or adjourned to a later date or to a different place, by announcement at the hearing by the chair/*man* or by other appropriate notice.

(13) The board will provide a hearing reporter and may order that the hearing reporter make a transcript of a hearing. The hearing reporter shall file the transcript with the board. Any party may request a copy of the transcript from the board. Any costs or fees for the hearing reporter and transcript will be shared equally among the parties.

(A) Any party may move to correct the transcript no more than thirty (30) days after the hearing reporter files the transcript. The board on its own motion may order the hearing reporter to correct the transcript any time before the board finally disposes of the case.

AUTHORITY: section 295.070, RSMo [1986] 2016. This version of rule filed Dec. 31, 1975, effective Jan. 10, 1976. Amended: Filed March 1, 2022.

[Golden Valley Mem. Hosp. Dist. v. Mo. State Board of Mediation 559 SW2d 581 (Mo. App. 1977). Since it is clear that the general assembly did not intend to use the term "employee" as that word is used in sections 105.500-105.525, RSMo (1969) to designate everyone on the payroll of a public body, it is mandatory that the Board of Mediation resolve whether certain supervisory nurses shall be included in a bargaining unit.]

[Lincoln County Memorial Hospital v. Mo. State Board of Mediation 549 SW2d 665 (Mo. App. 1977). An appeal does not lie, except in unusual cases, from an administrative determination of appropriate bargaining unit, prior to determination of majority representative status by the Board of Mediation. Public policy is against the calculated stalling of collective bargaining by dilatory tactics, which led congress to eliminate separate judicial review of the determination of an appropriate bargaining unit. Achievement of this public policy requires expeditious completion of the administrative process, and this can best be done by adoption of the federal rule requiring that the entire administrative process be terminated before judicial review can become operative.]

[City of Kirkwood v. Missouri State Board of Mediation 478 SW2d 690 (Mo. App. 1972). Section 295.030, RSMo requiring appointment of a five-member board, does not require that all five must sit in a hearing. On the contrary, section 295.040 states that three members of the board shall constitute a quorum for the transaction of business.]

[State ex rel. State Board of Mediation v. Pigg 244 SW2d 75 (Mo. Banc, 1951). It is apparent that the part of the chapter dealing with the State Board of Mediation and the public hearing panels is in no wise dependent upon sections 295.090, 295.180 and 295.200, RSMo although these later sections are dependent upon the sections providing for mediation and public hearing panels.]

[Op. Atty. Gen. No. 4, King, Jr., 2-1-72. Missouri State Board

of Mediation is not precluded from mediating dispute in industry subject to federal labor relations statutes, pursuant to section 295.080, RSMo (1969) unless Federal Mediation and Conciliation Service actually assumes jurisdiction by proffering its services.]

PUBLIC COST: *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Mediation, Attn: Todd Smith, Chairman, PO Box 2071, Jefferson City, MO 65102-2071. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 8—DEPARTMENT OF LABOR AND
INDUSTRIAL RELATIONS**
Division 40—State Board of Mediation
Chapter 2—General Rules

PROPOSED AMENDMENT

8 CSR 40-2.150 Notices of Election. The board proposes to amend subsection (1)(A) and section (3).

PURPOSE: *This amendment accounts for electronic elections and specifies that the list of employees shall remain the property of the employer.*

(1) Appropriate notices of election shall be furnished to all interested parties, and shall be prominently posted by the public employer, no less than six (6) days, excluding Saturdays, Sundays, and legal holidays, prior to opening of the polls. Such notice shall contain—

(A) The date, hours, and place or type of election;

(3) The public employer shall furnish in an electronic format to the board and to the labor organization(s) participating in an election an alphabetized list including the names, work addresses, employer issued electronic mailing addresses (if applicable), and job titles of all eligible voters in the unit as determined by the board [or agreed to by the parties]. Additional information may be supplied upon the voluntary written consent of any employee. This list must be supplied to the board and to such labor organization(s) fourteen (14) working days prior to the election, excluding Saturdays, Sundays, and legal holidays, or as specified in the Direction of Election]. The list shall remain the property of the employer.

AUTHORITY: section 295.070, RSMo [1994] 2016. Original rule filed Dec. 31, 1975, effective Jan. 10, 1976. Amended: Filed Oct. 4, 1979, effective Jan. 12, 1980. Amended: Filed May 3, 1999, effective Nov. 30, 1999. Amended: Filed March 1, 2022.

PUBLIC COST: *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Mediation, Attn: Todd Smith, Chairman, PO Box 2071,*

Jefferson City, MO 65102-2071. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 8—DEPARTMENT OF LABOR AND
INDUSTRIAL RELATIONS**
Division 40—State Board of Mediation
Chapter 2—General Rules

PROPOSED AMENDMENT

8 CSR 40-2.160 Election Procedure. The board proposes to amend sections (1)–(4) and (6)–(10).

PURPOSE: *This amendment clarifies the procedure for electronic elections.*

(1) **For in-person elections** [E]ach of the interested parties may designate two (2) persons as observers at the polls, subject to such limitations as the chair/man] may prescribe. Unless otherwise stipulated by the interested parties, observers must be nonsupervisory employees of the public employer.

(2) Any observer or the [authorized officer] chair, for good cause, may challenge an employee's eligibility to vote. If submitted on paper, [C]hallenged ballots shall be folded, placed in a sealed envelope with the name of the voter plainly written on the outside. Challenged ballots will not be considered unless they might affect the results of the election, in which case the [authorized officer] chair shall investigate and determine the eligibility to vote of the persons whose ballots are challenged. Challenged ballots which are disallowed will be destroyed. Challenged ballots which are allowed will be counted. The names of the persons whose ballots are challenged shall be made a part of the record of the election proceedings. Challenged ballots for mail-in or electronic elections must be made prior to delivery of the ballots to voters.

(3) All elections shall be by secret ballot and shall be conducted so as to ensure, to the satisfaction of the board, the security and privacy of each public employee's vote. In addition to voting at the public body's place of business, mail-in (including e-mail or electronic) voting shall be allowed at the discretion of the chair.

(4) Ballots may not be tallied until after the posted time for the closing of the polls unless all eligible voters have cast their ballots. Upon the conclusion of the election, the chair/man] shall furnish the parties with a tally of the ballots.

(6) Within ten (10) days, excluding Saturdays, Sundays, and legal holidays, after the tally of ballots has been furnished, any party may file with the board [an original and four (4) copies of] objections to the conduct of the election or conduct affecting the results of the election, which shall contain a short statement of the reasons therefore. Such filing must be timely whether or not the challenged ballots are sufficient in number to affect the results of the election. Copies of such objections shall be served simultaneously on the other parties by the party filing them and a statement of service shall be made.

(7) If no objections are filed within the time set forth previously, and if the challenged ballots are insufficient in number to affect the result of the election, and if no runoff election is to be held, the chair/man] shall forthwith issue to the parties a certification of the results of the election, including certification of representative, where appropriate.

(8) If objections are filed to the conduct of the election or conduct affecting the result of the election or if the challenged ballots are sufficient in number to affect the result of the election, the chair/man]

shall investigate such objections or challenges or both.

(9) Where objections are filed or challenges are determinative, the chair/*man*] shall conduct an investigation and, where appropriate, shall issue a notice of hearing for the board to hear the matters alleged and to issue a report and recommendations. The objecting party shall bear the burden of proof regarding all matters alleged in the objections to the conduct of the election or conduct affecting the results of the election.

(10) When the certification of the results of the election is issued, any petition requiring the holding of an election in any bargaining unit or subdivision of the bargaining unit is prohibited until one (1) year has lapsed from the date of issuance. Petitions prohibited are those filed *[by]* on behalf of a public employee, group of public employees, any individual or employee organization or the public employer.

AUTHORITY: section 295.070, RSMo [1994] 2016. Original rule filed Dec. 31, 1975, effective Jan. 10, 1976. Amended: Filed May 3, 1999, effective Nov. 30, 1999. Amended: Filed March 1, 2022.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Mediation, Attn: Todd Smith, Chairman, PO Box 2071, Jefferson City, MO 65102-2071. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 8—DEPARTMENT OF LABOR AND
INDUSTRIAL RELATIONS
Division 40—State Board of Mediation
Chapter 2—General Rules**

PROPOSED AMENDMENT

8 CSR 40-2.170 Runoff Election. The board proposes to amend section (1) and subsection (2)(A).

PURPOSE: This amendment changes the term chairman to the chair.

(1) When the results of an election are inconclusive, the chair/*man*] may conduct a runoff election without further order of the board. An inconclusive election is an election in which the ballot provides for not less than three (3) choices (that is, at least two (2) employee organizations and “neither”) and results in no choice receiving a majority of the valid ballots cast. Only one (1) runoff shall be held pursuant to this section, unless the board directs otherwise.

(2) The ballot in the runoff election shall provide for a selection among the two (2) or more choices receiving the largest number of votes, the sum of whose votes aggregate at least one (1) more than half of the total votes cast.

(A) Exception: Where, in the original election, all choices receive an equal number of votes, or where, two (2) choices having received an equal number of votes, a third choice receives a higher but less-than-majority vote, the chair/*man*] should declare this election a nullity and conduct another (rerun) election with the same choices on the ballot. If the second election results in another such nullity, the petition should be dismissed; if the results of the second election require a runoff pursuant to the principles set forth in section (2), a

runoff should be conducted.

AUTHORITY: section 295.070, RSMo [1994] 2016. Original rule filed Dec. 31, 1975, effective Jan. 10, 1976. Amended: Filed May 3, 1999, effective Nov. 30, 1999. Amended: Filed March 1, 2022.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Mediation, Attn: Todd Smith, Chairman, PO Box 2071, Jefferson City, MO 65102-2071. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 8—DEPARTMENT OF LABOR AND
INDUSTRIAL RELATIONS
Division 40—State Board of Mediation
Chapter 2—General Rules**

PROPOSED AMENDMENT

8 CSR 40-2.180 Agreement for Consent Election. The board proposes to amend section (1).

PURPOSE: This amendment changes the term chairman to the chair.

(1) Where one (1) or more employee organizations assert a claim to represent employees in an appropriate unit and a petition for certification of public employee representative or a petition for decertification of public employee representative has been filed, the parties may stipulate, subject to the approval of the chair/*man*], that a secret ballot election shall be conducted by the board among the employees in an appropriate bargaining unit to determine whether they desire to be represented for purposes of negotiations by any or none of the employee organizations involved. The parties to such proceeding shall be the public employer, the petitioner, the incumbent, if any, and any intervenors who shall have complied with the requirements set forth in 8 CSR 40-2.130.

AUTHORITY: section 295.070, RSMo [1994] 2016. Original rule filed Dec. 31, 1975, effective Jan. 10, 1976. Amended: Filed May 3, 1999, effective Nov. 30, 1999. Amended: Filed March 1, 2022.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Mediation, Attn: Todd Smith, Chairman, PO Box 2071, Jefferson City, MO 65102-2071. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 1—Organization and Administration

PROPOSED AMENDMENT

11 CSR 45-1.090 Definitions. The commission is amending sections (1)–(5), (9), (11), (13), (14), (16), (19), and (23).

PURPOSE: This amendment adds the definition for “independent test laboratory” and definitions for items related to cashless, promotional, and bonusing systems, revises existing definitions, and deletes obsolete definitions.

(1) Definitions beginning with A—

(B) Alcoholic liquor—Alcohol or intoxicating liquor for beverage purposes, alcoholic, spirituous, vinous, fermented, malt, or other liquors or combination of liquors, a part of which is spirituous, vinous or fermented, and all preparations or mixtures for beverage purposes, containing in excess of one-half of one percent (.5%) by volume; *land*

(C) Attendant paid external bonus payout—The total value of cashable credits electronically awarded by an external bonusing system, which are paid by an attendant and are uniquely metered by the electronic gaming device (EGD); and

(D) Attributed interest—A direct or indirect interest in a business entity deemed to be held by a person not through the person’s actual holdings but either through the holdings of the person’s relatives or through a third party or parties on behalf of the person pursuant to a plan, arrangement, or agreement.

(2) Definitions beginning with B—

(A) Bill changer—Means any mechanical, electrical, or other device, contrivance, or machine designed for the purpose of dispensing an amount of tokens or credits equal to the amount of currency; *and*

(B) Bonusing system—A system external to and functionally independent of EGDs, that electronically communicates system bonuses to participating EGDs.

(3) Definitions beginning with C—

(A) Cachable electronic promotion in (CEP In)—The total value of cashable credits electronically transferred to the EGD from a promotional account by means of an external connection between the EGD and a cashless system;

(B) Cachable electronic promotion out (CEP Out)—The total value of cashable credits electronically transferred from the EGD to a promotional account by means of an external connection between the EGD and a cashless system;

(C) Cashless system—Any system used to facilitate the electronic transfer of promotional funds, wagering account funds, or digital wallet funds to and from approved gaming devices and other authorized devices. The system may also allow patrons to deposit funds to and withdraw funds from wagering accounts and digital wallets at the cage. The system includes the collective hardware, software, communications technology, and other ancillary equipment used to conduct cashless transactions;

(D) Casino surveillance room—A room on a riverboat used by authorized personnel of a Class B licensee to monitor and record gaming and other activities conducted within the riverboat gaming operation;

(E) Certification by independent testing laboratories (ITLs)—A written document issued by an independent testing laboratory attesting to the compliance of a particular product with applicable Missouri laws, regulations, Minimum Internal Control Standards (MICS), and adopted technical standards;

(F) Chief administrative officer—Means the president of a corporation, the managing partner of a partnership, the general part-

ner(s) of a limited partnership, the individual of a sole proprietorship, the managing agent of a joint venture, or the managing agent of a limited liability company. For a consortium of financial participants where no formal chief administrative officer exists, chief administrative officer shall mean the chief administrative officer of the largest financial participant;

(G) Chip—A nonmetal or partly metal representative of value, redeemable for cash, and issued and sold by a holder of a Class B license for use in gaming other than in electronic gaming devices on the license holder’s riverboat;

(H) Commission—The Missouri Gaming Commission or its agents;

(I) Commission surveillance room—A room(s) on each riverboat for the exclusive use of the commission or commission agents for monitoring and recording of gaming and other activities;

(J) Continuously docked excursion—A continuously docked excursion boat shall set a schedule of excursion as required by the definition of excursion. This schedule shall designate a specific time for boarding. On each scheduled excursion, no new passengers shall board after the specified time for boarding has expired;

(K) Counter check—A type of credit instrument provided by the Class B licensee that is completed as is necessary to be presented by the Class B licensee to the patron’s bank for payment; and

(L) Critical program storage media—Any program storage media that contains software that may affect the integrity of gaming, including, but not limited to, game accounting, system, and peripheral firmware devices involved in or which significantly influence the operation and calculation of game play, game display, game result determination, game accounting, revenue, or security, and which must be verified utilizing an external third-party methodology approved by the commission and which may, as determined by the commission, have security seals attached thereto.

(4) Definitions beginning with D—

(C) Digital wallet—An electronic monetary account maintained outside the Class A and B Licensees’ operations funded by patrons and used to transfer patron funds to and from approved gaming devices and other authorized devices through the cashless system;

(D) Director—The executive director employed by the commission;

(E) Docksite commission offices—Offices at the dockside, approved by the commission, for the exclusive use of commission agents; and

(F) Drop bucket—That portion of gaming equipment internally contained which serves as a repository for tokens.

(5) Definitions beginning with E—

(B) Electronic gaming device (EGD)—Any electrical device or machine which upon payment of consideration is available to play or operate, the operation of which, whether by reason of the skill of the operator, application of the element of chance, or both, may deliver or entitle the person playing or operating the machine to receive premiums, merchandise, tokens, redeemable game credits, or anything of value other than unredeemable free games whether the payoff is made automatically from the machines or in any other manner;

(9) Definitions beginning with I—

(A) Independent testing laboratory (ITL)—A testing laboratory that tests and evaluates gaming devices and associated systems and equipment against applicable Missouri laws, regulations, MICS, and adopted technical standards. To be considered independent, the testing laboratory shall not have developed or manufactured any of the products it tests;

(B) Indirect interest—An interest in a business entity that is deemed to be held by the holder of a Class B license not through the holder’s actual holdings in the business entity but through the holder’s holdings in other business entities; and

/(B)/(C) Internal control system—Administrative and accounting controls designed by the holder of a Class B license, for the purpose of exercising control over the riverboat gaming operation.

(11) Definitions beginning with K—

(A) Key business entity—A holder of any direct or indirect legal or beneficial publicly traded or privately held interest whose combined direct, indirect, or attributed publicly traded interest is five percent (5%) or more or privately held interest is one percent (1%) or more in an applicant or licensee or in a key business entity of an applicant or licensee, **any entity, excluding any governmental entity, that owns the real estate of an excursion gambling boat, or any business entity so designated by the commission or director;** and

(B) Key person—Includes the following individuals *[or business entities]:*

1. An officer, director, trustee, proprietor, managing agent, or general manager of an applicant or licensee or of a key business entity *[key person]* of an applicant or licensee;

2. A holder of any direct or indirect legal or beneficial publicly traded interest whose combined direct, indirect, or attributed publicly traded interest is five percent (5%) or more in an applicant or licensee or in a key business entity *[key person]* of an applicant or licensee;

3. A holder of any direct or indirect legal or beneficial privately held interest whose combined direct, indirect, or attributed privately held interest is one percent (1%) or more in an applicant or licensee or in a key business entity *[key person]* of an applicant or licensee;

4. A holder of any direct or indirect legal or beneficial interest in an applicant or licensee or in a key business entity *[key person]* of an applicant or licensee if the interest was required to be issued under agreement with or authority of a government entity;

5. An owner of an excursion gambling boat; and

6. Any individual *[or business entity]* so designated by the commission or director.

(13) */(Reserved)* Definitions beginning with M—

(A) Machine paid external bonus payout—The total value of cashable credits electronically awarded by an external bonusing system to the credit meter and are uniquely metered by the EGD.

(14) Definitions beginning with N—

(B) Non-cashable electronic promotion in (NCEP In)—The total value of non-cashable credits electronically transferred to the EGD from a promotional account by means of an external connection between the EGD and a cashless system;

(C) Non-cashable electronic promotion out (NCEP Out)—The total value of non-cashable credits electronically transferred from the EGD to a promotional account by means of an external connection between the EGD and a cashless system; and

/(B)/(D) Nonvalue chip—A chip, clearly and permanently impressed, engraved, or imprinted with the name of the riverboat, but bearing no value designation; and

(C) Notice of commission action—A notice of denial, restriction, suspension, supervision, revocation, nonrenewal, or exclusion issued by the commission.

(16) Definitions beginning with P—

(C) Petitioner—*[An]A person*, applicant, licensee, or excluded person who requests a hearing *[upon issuance of a Notice of Commission Action] before the commission;*

(E) Player reward credits—Downloadable credits earned by patrons and increment with play based on predetermined formulas (e.g. player reward points);

/(E)/(F) Poker—Approved gambling games which are played in a poker room and use poker cards dealt by a nonplaying dealer in which a maximum of eleven (11) players wager on the superiority of their individual hands against the hands of the other players;

/(F)/(G) Political contribution—The making of any gift of any kind

or paying or giving money or any other thing of value to—

1. Any candidate or nominee for any public office in Missouri;
2. Any public official; or

3. Any fund-raising committee or other fund-raising entity, whether located in Missouri or elsewhere, that gives, lends, or otherwise provides funds to meet the expenses of any candidate for public office or public official;

/(G)/(H) Progressive controller—The hardware and software that controls all communications within a progressive game link and its associated progressive meter;

/(H)/(I) Progressive jackpot—A value determined by a holder of a Class B license and arrived at by income of an independent, local, or interlinked gambling game. This value shall be clearly displayed to players of the interlinked gambling game and metered incrementally by a progressive controller. A progressive game must prominently display signage indicating either that a progressive jackpot is to be paid or indicating the current amount of the jackpot. An automated controller is not required in games of live poker where the incrementing and distribution processes are defined in the approved rules of the game; *[and]*

(J) Promotional account—A patron account enabled to allow the direct electronic transfer of promotional giveaway credits, player reward credits, or another source of credits approved by the commission to an EGD;

(K) Promotional system(s)—A collection of files which electronically transfers credits bi-directionally between any promotional account and EGD through the use of a cashless system;

(L) Promotional giveaway credits—Downloadable credits awarded to a player's account based on predefined criteria outlined by the rules of a promotion, where the patron provides no consideration; and

/(I)/(M) Proprietary—Relating to financial, ownership, legal, security, operational, or contractual matters.

(19) Definitions beginning with S—

(A) Server(s)—Physical computer hardware or virtual software that manages network resources and provides services in response to requests;

/(A)/(B) Shoe—A device used to dispense cards in gambling games;

/(B)/(C) Signature—The definitive identity of an individual specific ROM or EPROM chip, determined by electronic analysis and reflective of the ROM or EPROM chip's game behavior capability;

/(C)/(D) Slot machine—A type of electronic gaming device;

(E) Slot machine interface board (SMIB)—An interface device which permits systems to bi-directionally communicate to EGDs;

/(D)/(F) Sole proprietor—A person who in his/her own name owns one hundred percent (100%) of the assets and is solely liable for the debts of a business;

/(E)/(G) Substantial creditor—The holder of any debt instrument of whatever character, against an individual or business entity, whether secured or unsecured, matured or unmatured, liquidated or unliquidated, absolute, fixed, or contingent, the aggregate amount of which is fifty thousand dollars (\$50,000) or more;

/(F)/(H) Substantial owner—The holder of at least twenty-five percent (25%) of the total combined voting power of a corporation or at least twenty-five percent (25%) of the total value of shares of all classes of stock of a corporation; or at least a twenty-five percent (25%) interest in a partnership, or at least twenty-five percent (25%) of the value of a trust computed actuarially; or at least twenty-five percent (25%) of the legal or beneficial interest in any other business entity. For purposes of computing these percentages, a holder shall be deemed to own any stock or other interest in a business entity, whether owned directly or indirectly;

/(G)/(I) Supervisor—a person with one (1) or more identified subordinate job position(s) reporting to his or her job position according to the Class B licensee's organizational chart;

/(H)/(J) Supplier—[A]Any independent testing laboratory or a**

person who sells or leases gaming equipment and supplies to any licensee; and/ or any person whose product connects with approved gaming devices;

(I)(J)(K) Support facility—A place of business which is part of, or operates in connection with, a riverboat gaming operation and is owned in whole or in part by a holder of a Class B license, or any of their key persons including, without limitation, riverboats, offices, docking facilities, parking facilities, and land-based hotels or restaurants./; and

(L) System bonus—A promotional award external to an approved gaming device, in the form of credits added directly to the credit meter or paid by an attendant, triggered by an event in accordance with the rules of a promotion.

(23) [(Reserved)] Definitions beginning with W—

(A) Wagering account—A patron account held by the Class A or B Licensee that allows the electronic transfer of the patron's funds to or from an approved gaming device and other authorized devices through the cashless system;

(B) Wagering account transfer in (WAT In)—The total value of cashable credits electronically transferred to the EGD from a wagering account or digital wallet by means of an external connection between the EGD and a cashless system; and

(C) Wagering account transfer out (WAT Out)—The total value of cashable credits electronically transferred from the EGD to the wagering account or digital wallet by means of an external connection between the EGD and a cashless system.

AUTHORITY: sections 313.004, RSMo 2016, and sections 313.800, and 313.805, RSMo [2016] Supp. 2021. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Feb. 25, 2022.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment via email to MGCPolicy@mgc.dps.mo.gov, or by mail to the Missouri Gaming Commission, Policy Section, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. A public hearing is scheduled for May 6, 2022, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

Title 11—DEPARTMENT OF PUBLIC SAFETY Division 45—Missouri Gaming Commission Chapter 5—Conduct of Gaming

PROPOSED AMENDMENT

11 CSR 45-5.190 Minimum Standards for Electronic Gaming Devices. The commission is amending section (4).

PURPOSE: This amendment updates the list of nonvolatile meters.

(4) Electronic gaming devices shall—

(K) Have a complete set of nonvolatile meters including [amount-] coin in, [amount-] coin out, [amount dropped, total amount

wagered, total amount won,] bills in, tickets in, tickets out, coupons in, cashable electronic promotion in (CEP In), cashable electronic promotion out (CEP Out), non-cashable electronic promotion in (NCEP In), non-cashable electronic promotion out (NCEP Out), attendant paid external bonus payout, machine paid external bonus payout, wagering account transfer in (WAT In), wagering account transfer out (WAT Out), number of games played, attendant paid progressive, machine paid progressive, attendant paid cancel credits, and attendant paid jackpots [paid], or their equivalent as approved by the commission;

AUTHORITY: sections 313.004, 313.800, 313.805, and 313.807, RSMo 2016, and sections 313.800 and 313.805, RSMo Supp. 2021. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Feb. 25, 2022.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment via email to MGCPolicy@mgc.dps.mo.gov, or by mail to the Missouri Gaming Commission, Policy Section, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. A public hearing is scheduled for May 6, 2022, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

Title 11—DEPARTMENT OF PUBLIC SAFETY Division 45—Missouri Gaming Commission Chapter 5—Conduct of Gaming

PROPOSED AMENDMENT

11 CSR 45-5.210 Integrity of Electronic Gaming Devices. The commission is adding a new section (3).

PURPOSE: This amendment moves a requirement that was incorporated by reference in 11 CSR 45-9.121 to this rule to clarify that this requirement applies to manufacturers of all electronic gaming devices.

(3) The commission shall be provided, free of charge, forensic tools which permit the recovery of non-volatile memory of electronic gaming devices approved for use. Such recovery techniques shall be satisfactory to the commission.

AUTHORITY: section[s] 313.004, [313.800, and 313.805,] RSMo 2016, and sections 313.800 and 313.805, RSMo Supp. 2021. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Feb. 25, 2022.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed amendment via email to MGCPolicy@mhc.dps.mo.gov, or by mail to the Missouri Gaming Commission, Policy Section, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for May 6, 2022, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.*

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 5—Conduct of Gaming

PROPOSED RULE

11 CSR 45-5.215 Cashless, Promotional, and Bonusing Systems

PURPOSE: *This rule establishes requirements for cashless, promotional, and bonusing systems. This rule also moves requirements that were incorporated by reference in 11 CSR 45-9.121 to this rule to clarify these requirements apply to suppliers.*

(1) All files which are deemed to be critical for the proper operation of cashless, promotional, and/or bonusing functionality shall be designed to permit an on-demand, independent integrity check. The integrity check (i.e., authentication process) shall be accomplished utilizing a commission approved, external third-party verification tool.

(2) Cashless and promotional systems shall perform the following minimum functions:

- (A) Prohibit monetary transfers between patron accounts;
- (B) Ensure all patron accounts are solely owned and accessed by one (1) account number and one (1) unique identifier per patron;
- (C) Prohibit the ability to place a wager directly at a gaming device by the means of an external electronic funds transfer (EFT) to a gaming device through the use of a credit card or other external debit instrument(s);
- (D) Possess the ability to flag accounts to identify Disassociated Persons and Excluded Persons;
- (E) Ability to lock the patron's account after three (3) failed personal identification number (PIN) entry attempts;
- (F) Validate the identity of those devices from which a transmission is received;
- (G) Monitor data for complete and accurate transmission; and
- (H) Detect the presence of corrupt or lost data packets and, as necessary, reject the transmission.

(3) If a player's mobile device is used in lieu of a physical player's card to card into a game, the wireless connection to the electronic gaming device (EGD) shall register as a card in and the break in connection shall be registered in the slot accounting system as a card out.

(4) Electronic gaming devices (EGDs) participating in the cashless system shall, at the EGD level, display the relevant informational message whenever any patron-initiated cashless transaction occurs. During the transaction, the EGD shall possess bi-directional communication and "lock" until the transfer is confirmed.

(5) Wagering account and digital wallet transfers to the EGD shall be metered using the wagering account transfer in (WAT In) meter and transfers out shall be metered using the wagering account transfer out (WAT Out) meter.

(6) Cashed credits electronically transferred from promotional accounts to the EGD shall be metered using the cashable electronic promotion in (CEP In) meter and transfers out shall be metered using the cashable electronic promotion out (CEP Out) meter.

(7) Noncashable credits electronically transferred from promotional accounts to the EGD shall be metered using the non-cashable electronic promotion in (NCEP In) meter and transfers out shall be metered using the non-cashable electronic promotion out (NCEP Out) meter.

(8) If NCEP credits are co-mingled with cashable credits on one credit meter at an EGD, the EGD shall wager the NCEP funds first.

(9) Cashless systems shall be designed to upload to the patron's promotional account any non-wagered NCEP credits upon card out.

(10) EGDs participating in the cashless environment shall possess a combined one hundred- (100-) event log by transaction type which provides an audit trail for WAT In, WAT Out, CEP In, CEP Out, NCEP In and NCEP Out or provide a twenty-five- (25-) event log for all cashless transfers that increment the aforementioned in-meters and a twenty-five- (25-) event log for all cashless transfers that increment the aforementioned out-meters. The EGD shall provide the following information by transaction, accessible through the attendant menu:

- (A) The type of transaction;
- (B) The monetary value of the transaction;
- (C) The time and date of the transaction; and
- (D) A unique transaction number, which shall be utilized to authenticate the source of funds.

(11) If online access is provided for patrons to view their account balances or transaction histories from the cashless and/or promotional system, physical or logical restrictions shall exist to provide independent operation from the cashless system.

(12) Cashless systems.

(A) Any supplier of a cashless system, or any portion thereof, shall be licensed by the commission.

(B) Cashless systems shall be designed to upload to the patron's wagering account or digital wallet all non-wagered credits upon a card out or a break in connection between the player's mobile device and the EGD.

(C) All cashless wagering transactions from a patron's wagering account or digital wallet shall be initiated or authorized by the patron, except for adjustments made to correct errors.

(D) Self-limiting options shall be available for patrons who use wagering accounts and digital wallets.

(13) Bonusing systems.

(A) EGDs participating in the bonusing system shall, at the EGD level, display a clear message indicating a bonus has been won. During the transaction, the EGD shall possess bi-directional communication until the system bonus is confirmed.

(B) EGDs participating in the bonusing system shall possess a log history for the last twenty-five (25) events for monetary transactions received from the external bonus system or possess a single one hundred- (100-) event log for bonus and cashless transfers. System bonuses shall increment the machine paid external bonus payout or attendant paid external bonus payout meters. The EGD shall provide the following information by transaction, accessible through the attendant menu:

1. The type of transaction;
2. The monetary value of the transaction; and
3. The time and date of the transaction.

(14) Digital wallets.

(A) Digital wallet central servers shall possess sufficient high

availability features and employ redundancy techniques to prevent loss of data.

(B) The supplier licensee offering digital wallets shall establish "terms and/or conditions" (notice) for accounts prior to activating the digital wallet. Patrons participating in the digital wallet shall receive a copy of the notice upon the establishment or activation of a digital wallet, and upon request. The notice, at a minimum, as applicable, shall include the disclosures as required by federal law and procedures for disposition of the patron's funds in the event the patron is placed on the List of Disassociated Persons or the Exclusion List.

(C) A digital wallet shall be established by the patron online. The process shall require the patron to access his/her player reward account online and provide, at a minimum, his/her—

1. Legal name;
2. Date of birth;
3. Email address;
4. Physical address;
5. Social Security number/tax ID number; and
6. Phone number.

(D) The supplier licensee shall use an independent third-party identity verification service provider when creating a digital wallet.

(E) The licensee who holds the patron's digital wallet shall maintain liability for the funds until the patron's digital wallet has a zero (0) balance. A patron's digital wallet shall not be allowed to have a negative balance.

(F) The supplier of a digital wallet shall provide upon patron request with proper identification or login, his/her last thirty (30) days of digital wallet transactions. If the patron requests additional transaction history beyond the thirty (30) days, the supplier shall provide the information within seven (7) calendar days.

(G) Digital wallet providers shall retain a record of all transactions for at least five (5) years.

AUTHORITY: sections 313.004 and 313.807, RSMo 2016, and sections 313.800, 313.805, and 313.812, RSMo Supp. 2021. Original rule filed Feb. 25, 2022.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule via email to MGCPolicy@mgc.dps.mo.gov, or by mail to the Missouri Gaming Commission, Policy Section, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for May 6, 2022, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

Title 11—DEPARTMENT OF PUBLIC SAFETY Division 45—Missouri Gaming Commission Chapter 5—Conduct of Gaming

PROPOSED AMENDMENT

11 CSR 45-5.225 Request for Approval of Gaming Devices and Associated Equipment [Approval] and Systems. The commission is amending the title, purpose statement, and sections (1), (2), (4), and (5), replacing section (3), and adding sections (6) and (7).

PURPOSE: This amendment updates the title and the purpose state-

ment, and clarifies existing regulations regarding the approval of gaming devices, associated equipment, and associated systems. This amendment also moves requirements that were incorporated by reference in 11 CSR 45-9.121 to this rule to clarify that these requirements apply to suppliers of all gaming devices, associated equipment, and associated systems.

PURPOSE: This rule establishes the process for requesting approval of gaming devices, associated equipment, and associated systems for use in Missouri. [Suppliers, Class A and Class B licensees are required to provide the documentation listed herein to be considered a valid request. All suppliers and Class A and Class B licensees must receive an authorization letter from the commission for gaming devices and associated equipment, and slot accounting systems to be considered approved for use within the state of Missouri.] This rule also addresses new technology and field trials associated with new technology.

(1) Prior to any new technology being certified for [the] use in Missouri [jurisdiction], the manufacturer shall consult with the commission to [assure] ensure such new technology would be compliant with Missouri/s rules, regulations, and statutes.

(2) [Effective September 30, 2014, the] The commission [will become] is the sole approval authority for all gaming devices [and], associated equipment, and [slot accounting] associated systems. [Suppliers] After submitting a request for approval, supplier, Class A, and Class B licensees must receive an authorization letter from the commission before such gaming devices, associated equipment, and [slot accounting] associated systems are considered "approved" for use in the state of Missouri. Associated systems include any systems connected to or interfacing with gaming devices.

[3] Effective September 30, 2014, gaming equipment and slot accounting systems actively in service at Class B licensees' facilities will remain in an approved status. Supplier, Class A, or Class B licensees must notify the commission prior to placing any gaming equipment or slot accounting system into service which has been previously certified by an ITL, but was not actively in service in Missouri on September 30, 2014, to be reviewed for approval by the commission. The commission will issue approval for such request, provided such gaming equipment or slot accounting system does not contain any known malfunctions or anomalies.]

(3) Gaming devices, associated equipment, and associated systems shall be tested and certified by a licensed independent testing laboratory (ITL) prior to submitting a request for approval as required in this rule. Gaming devices, associated equipment, and associated systems shall comply with the applicable Gaming Laboratories International (GLI) technical standards (or their equivalent as approved by the commission) and Missouri statutes, regulations, and Minimum Internal Control Standards.

(4) The supplier, Class A, or Class B licensee submitting a request for approval of a gaming device, associated equipment, or [a slot accounting] an associated system shall do so through the commission's electronic portal.

(A) All information in the request shall be complete and accurate. Should such request be determined inaccurate, the commission shall be notified immediately. The request shall include the following:

1. ITL's certification documentation;
2. A complete list of hardware and software modifications requested for approval;
3. Test Script version number used by the ITL for testing;

4. Probability Accounting Report (PAR) sheets, if applicable;
5. Documentation describing the installation [*and*], configuration, and operating procedures;
6. The applicable functionality being requested; and
7. Any additional supplemental documentation clarifying the technology requested for approval (e.g., white paper).

(B) Additional information may be requested by the commission at any time, including the digital image(s) (critical executable files) of the production version of the device or system.

(5) The commission may make a preliminary, nonbinding determination whether any new gaming device, associated equipment, or [*slot accounting*] associated system meets the Missouri rules, regulations, and statutes. At the commission's sole discretion, the commission may require any new gaming device, associated equipment, or [*slot accounting*] associated system to be tested in a field trial environment(s) at a licensed gaming establishment(s). Each field trial shall be conducted for at least thirty (30) calendar days and no more than one hundred eighty (180) calendar days under terms and conditions that the commission may approve or require. The supplier shall submit a report to the commission every thirty (30) days detailing the performance of the product being tested, exception reports outlining any exception codes triggered, a list of customer complaints and inquiries regarding the performance, and other items as determined by the commission. A field trial may be terminated at any time, in which case the new gaming device, associated equipment, or [*slot accounting*] associated system will not be approved as a result of such field trial.

(6) The licensee manufacturing or offering any new gaming device, associated equipment, or associated system shall be responsible for providing, in a format acceptable to the commission, electronic training modules denoting interrelationships between approved gaming devices and associated hardware/software and the systems. Subject matter expert(s) may be requested for training as determined necessary by the commission. All costs associated with providing personnel and equipment shall be borne by the licensee.

(7) The testing, review, and approval shall be required prior to the implementation of any new gaming device, associated equipment, or associated system. Once implemented, testing, review, and approval shall be required prior to any changes. Testing, review, and approval may be required at any other time the commission deems appropriate.

AUTHORITY: section 313.004, RSMo [2000] 2016, and section 313.805, RSMo Supp. [2013] 2021. Original rule filed Jan. 30, 2014, effective Sept. 30, 2014. Amended: Filed Feb. 25, 2022.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment via email to MGCPolicy@mgc.dps.mo.gov, or by mail to the Missouri Gaming Commission, Policy Section, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for May 6, 2022, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 9—Internal Control System

PROPOSED AMENDMENT

11 CSR 45-9.108 Minimum Internal Control Standards (MICS)—Chapter H. The commission is amending section (1).

PURPOSE: This amendment provides procedures for cashless transactions at cashiering locations.

(1) The commission [*shall adopt and publish*] has established minimum standards for internal control procedures that, in the commission's opinion, satisfy 11 CSR 45-9.020, as set forth in *Minimum Internal Control Standards (MICS) Chapter H—Casino Cashiering and Credit*, which [*has been*] is incorporated by reference [*herein, as*] and made a part of this rule as adopted by the commission on February 23, 2022, and published by the Missouri Gaming Commission, 3417 Knipp Dr., PO Box 1847, Jefferson City, MO 65102, and which may be accessed at <http://www.mgc.dps.mo.gov>. Chapter H does not incorporate any subsequent amendments or additions [*as adopted by the commission on March 31, 2021*].

AUTHORITY: sections 313.004, [313.805, 313.812,] 313.817, and 313.830, RSMo 2016, and sections 313.800, 313.805, and 313.812, RSMo Supp. 2021. Original rule filed Oct. 31, 2011, effective June 30, 2012. For intervening history, please consult the Code of State Regulations. Amended: Filed Feb. 25, 2022.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment via email to MGCPolicy@mgc.dps.mo.gov, or by mail to the Missouri Gaming Commission, Policy Section, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for May 6, 2022, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 9—Internal Control System

PROPOSED AMENDMENT

11 CSR 45-9.118 Minimum Internal Control Standards (MICS)—Chapter R. The commission is amending section (1).

PURPOSE: This amendment adds the form requirements already required by other chapters and makes revisions to some existing forms. It also adds requirements for electronic signatures when used in lieu of written signatures.

(1) The commission [*shall adopt and publish*] has established minimum standards for internal control procedures that in the commission's opinion satisfy 11 CSR 45-9.020, as set forth in *Minimum Internal Control Standards (MICS) Chapter R—Forms*, which [*has been*] is incorporated by reference [*herein, as*] and made a part of this rule as adopted by the commission on February 23, 2022,

and published by the Missouri Gaming Commission, 3417 Knipp Dr., PO Box 1847, Jefferson City, MO 65102, and which may be accessed at <http://www.mgc.dps.mo.gov>. Chapter R does not incorporate any subsequent amendments or additions *[as adopted by the commission on March 31, 2021]*.

AUTHORITY: sections 313.004, *[313.800, 313.805, 313.812, 313.817, and 313.830, RSMo 2016, and sections 313.800, 313.805, and 313.812, RSMo Supp. 2021]*. Original rule filed June 30, 2010, effective Jan. 30, 2011. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Feb. 25, 2022.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment via email to MGCPolicy@mgc.dps.mo.gov, or by mail to the Missouri Gaming Commission, Policy Section, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. A public hearing is scheduled for May 6, 2022, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 9—Internal Control System

PROPOSED AMENDMENT

11 CSR 45-9.119 Minimum Internal Control Standards (MICS)—
Chapter S. The commission is amending section (1).

PURPOSE: This amendment revises definitions for clarity, allows for the implementation of new advances in cashless technology, updates the requirements for wireless networks, and clarifies existing minimum internal control standards. This amendment also moves a requirement that was incorporated by reference in 11 CSR 45-9.121 to be incorporated by reference in this rule.

(1) The commission *[shall adopt and publish]* has established minimum standards for internal control procedures that in the commission's opinion satisfy 11 CSR 45-9.020, as set forth in *Minimum Internal Control Standards (MICS)* Chapter S—Management Information Systems, which *[has been]* is incorporated by reference *[herein, as]* and made a part of this rule as adopted by the commission on February 23, 2022, and published by the Missouri Gaming Commission, 3417 Knipp Dr., PO Box 1847, Jefferson City, MO 65102, and which may be accessed at <http://www.mgc.dps.mo.gov>. Chapter S does not incorporate any subsequent amendments or additions *[as adopted by the commission on October 30, 2013]*.

AUTHORITY: section 313.004, RSMo *[2000]* 2016, and sections 313.800, *[and]* 313.805, RSMo Supp. *[2013]* 2021. Original rule filed Oct. 22, 2010, effective June 30, 2011. Amended: Filed Oct. 31, 2013, effective June 30, 2014. Amended: Filed Feb. 25, 2022.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500)

in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities fourteen thousand seven hundred dollars (\$14,700) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment via email to MGCPolicy@mgc.dps.mo.gov, or by mail to the Missouri Gaming Commission, Policy Section, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. A public hearing is scheduled for May 6, 2022, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**FISCAL NOTE
PRIVATE COST****I. Department Title: 11-DEPARTMENT OF PUBLIC SAFETY****Division Title: 45-Missouri Gaming Commission****Chapter Title: 9-Internal Control System**

Rule Number and Title:	11 CSR 45-9.119 Minimum Internal Control Standards (MICS)-Chapter S
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
13 Casinos	Casino Operators	\$ 14,700

III. WORKSHEET

Labor cost for tracking slot accounting system access cards:

Small Casino: 4 casinos x 2 hours per year = 8 hours per year**Large Casino: 9 casinos x 6 hours per year = 54 hours per year
62 hours per year**

Labor cost for testing the application used to monitor vendor remote access sessions:

13 casinos x 2 hours per year = 26 hours per year

Labor cost for providing and updating a list of purchased software programs and wireless networks:

13 casinos x 3 updates x 0.5 hours per update = 19.5 hours per year

Labor cost for performing monthly vulnerability scans and patch management to wireless networks:

13 casinos x 12 months x 1 hour per month = 156 hours

Labor cost for establishing mitigating controls to address critical system vulnerabilities:

13 casinos x 8 hours per year = 104 hours **$62 + 26 + 19.5 + 156 + 104 = 367.5$ total hours****367.5 hours x \$40 = \$14,700**

IV. ASSUMPTIONS

A small casino will spend two (2) hours per year tracking slot accounting system access cards.

A large casino will spend six (6) hours per year tracking slot accounting system access cards.

Of the thirteen (13) Missouri casinos, based on the number of slot employees, four (4) casinos are categorized as small, and nine (9) casinos are categorized as large.

Each casino will spend two (2) hours per year testing the application used to monitor vendor remote access sessions.

Each casino will spend 0.5 hours to update and submit its list of purchased software programs and wireless networks. Each casino will need to update its list three (3) times per year.

Each casino will spend one (1) hour per month performing vulnerability scans and patch management to wireless networks.

Each casino will spend eight (8) hours per year establishing mitigating controls to address critical system vulnerabilities.

The average hourly labor cost per IT employee is \$40 per hour (\$30 salary + \$10 benefits).

The anticipated costs for this rule may recur annually for the life of the rule.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 9—Internal Control System

PROPOSED AMENDMENT

11 CSR 45-9.121 Minimum Internal Control Standards (MICS)—Chapter U. The commission is amending section (1).

PURPOSE: *This amendment allows for the implementation of new advances in cashless and bonusing technology and clarifies existing requirements. This amendment also moves requirements that were incorporated by reference in 11 CSR 45-9.121 to other rules that were more appropriate for the content.*

(1) The commission *[shall adopt and publish]* **has established** minimum standards for internal control procedures that in the commission's opinion satisfy 11 CSR 45-9.020, as set forth in *Minimum Internal Control Standards (MICS)* Chapter U—Cashless, Promotional, and Bonusing Systems, which *[has been]* is incorporated by reference *[herein, as]* and **made a part of this rule as adopted by the commission on February 23, 2022, and published by the Missouri Gaming Commission, 3417 Knipp Dr., PO Box 1847, Jefferson City, MO 65102, and which may be accessed at <http://www.mgc.dps.mo.gov>.** Chapter U does not incorporate any subsequent amendments or additions *[as adopted by the commission February 23, 2011].*

AUTHORITY: *sections 313.004 and 313.817, RSMo [2000] 2016, and sections 313.800[,] and 313.805, RSMo Supp. [2010] 2021. Original rule filed Oct. 22, 2010, effective June 30, 2011. Amended: Filed Feb. 25, 2022.*

PUBLIC COST: *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment via email to MGCPolicy@mgc.dps.mo.gov, or by mail to the Missouri Gaming Commission, Policy Section, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public hearing is scheduled for May 6, 2022, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

Title 20—DEPARTMENT OF COMMERCE AND INSURANCE

Division 2010—Missouri State Board of Accountancy
Chapter 5—Peer Review

PROPOSED AMENDMENT

20 CSR 2010-5.070 Peer Review Standards. The board is deleting sections (2), (3), and (4), renumbering as necessary, and amending the purpose, section (1), and new section (2).

PURPOSE: *This amendment updates the publication date of professional standards and eliminates redundant language.*

PURPOSE: *This rule [clarifies section 326.289.9, RSMo, which] specifies the standards for peer review.*

(1) The Missouri State Board of Accountancy (the board) specifies

that the “Standards for Performing and Reporting on Peer Reviews[,]” (June 2021), as promulgated by the American Institute of Certified Public Accountants (AICPA), which is incorporated by reference in this rule, *[or such other standards which are adopted, accepted, or recognized by the AICPA as meeting or exceeding the AICPA standards,]* shall satisfy the requirements of section 326.289.9, RSMo. A printed copy or copy on CD-R/om/OM of the “Standards for Performing and Reporting on Peer Reviews (June 1, 2012 June 2021)” may also be obtained from the American Institute of Certified Public Accountants, 220 Leigh Farm Road, Durham, NC 27707, or <http://www.aicpa.org>. This rule does not incorporate any subsequent amendments or additions.

[(2) The board may specify that a peer review program that is administered by a state board of accountancy, which is determined by the board to meet or exceed the AICPA standards, satisfies the requirements of 326.289.9, RSMo.]

[(3) To meet the standards for an approved peer review program, peer reviews shall occur at least once every three (3) years.]

[(4) Any peer review conducted within this state shall be through a firm that has a current firm permit in this state.]

*[(5)](2) The term “approved peer review program” shall mean [the Missouri Society of Certified Public Accountants (MSCPA) peer review administration program,] any approved AICPA peer review program[,] or a peer review administration program of a state board of accountancy which *[has been determined by the Missouri State Board of Accountancy to] meets[,] or exceeds[,] the AICPA Standards for Performing and Reporting on Peer Reviews.**

AUTHORITY: *section[s] 326.271, RSMo 2016, and section 326.289.9, RSMo Supp. [2012] 2021. This rule originally filed as 4 CSR 10-5.070. Original rule filed Nov. 3, 2003, effective June 30, 2004. For intervening history, please consult the Code of State Regulations. Amended: Filed Feb. 16, 2022.*

PUBLIC COST: *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Board of Accountancy, PO Box 613, Jefferson City, MO 65102, by facsimile at (573) 751-0012, or via email at mosba@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 20—DEPARTMENT OF COMMERCE AND INSURANCE

Division 2010—Missouri State Board of Accountancy
Chapter 5—Peer Review

PROPOSED AMENDMENT

20 CSR 2010-5.080 Firms Subject to Peer Review Requirements. The board is amending the purpose, deleting sections (1) and (2), renumbering as necessary, amending new sections (1) and (4), and adding new sections (3), (5), (6), and (7).

PURPOSE: *This amendment clarifies peer review requirements and eliminates redundant language that appears in another rule.*

PURPOSE: This rule [clarifies section 326.289.9, RSMo which specifies] establishes requirements for firms that are subject to peer review.

[(1) As of January 1, 2004, any firm seeking renewal of its permit to practice public accounting, and which has been engaged to perform more than two (2) attest services in any calendar year, shall enroll in the Missouri Society of Certified Public Accountants (MSCPA) peer review administration program, or an approved peer review program as prescribed in 20 CSR 2010-5.070. The firm must enroll in an approved peer review program within ninety (90) days after entering into an engagement for the third attest service in any calendar year. The firm shall be required to verify, on the application to renew an office, that it is enrolled in an approved peer review program.

(2) As of January 1, 2004, any out-of-state firm with a Missouri permit, that is not enrolled in a peer review program that satisfies the requirements of this chapter, and which has been engaged to perform more than two (2) attest services in any calendar year, shall enroll in the MSCPA peer review administration program, or an approved peer review program as prescribed in 20 CSR 2010-5.070. The firm must enroll in an approved peer review program within ninety (90) days after entering into an engagement for the third attest service in any calendar year. The firm shall be required to verify, on the application to renew an office, that it is enrolled in an approved peer review program.]

[(3)](1) [As of January 1, 2008, any firm seeking renewal of its permit to practice public accounting, and] Any firm which has performed one (1) or more attest engagements, reviews, or compilations, in any calendar year, shall enroll in [the MSCPA peer review administration program, or] an approved peer review program [as prescribed in 20 CSR 2010-5.070].

(2) The firm must enroll in an approved peer review program within ninety (90) days after entering into an engagement for its first attest, review, or compilation service.

(3) The firm's initial peer review shall be completed within eighteen (18) months of enrollment. Peer reviews shall occur at least once every three (3) years.

(4) The firm shall [be required to] verify[, on the application to renew an office,] that it is enrolled in an approved peer review program.

(5) The firm shall verify that any member of the firm who is responsible for supervising attest or review services, or who signs, or authorizes someone to sign, the firm's report on attest or review engagements on behalf of the firm, has met the competency requirements as prescribed in 20 CSR 2010-2.061.

(6) For firms that are enrolled in an approved peer review program in another state, the firm shall verify that the office follows the same quality control policies and procedures established by the firm that has been subjected to the peer review process in the other state.

(7) The peer review standards, requirements, administration, and oversight set forth in 20 CSR 2010-5.070 through 20 CSR 2010-5.110 shall not be applicable to any peer review proceedings conducted pursuant to section 326.310.3, RSMo, unless the board so authorizes on a case-by-case determination. In conducting a peer review pursuant to section 326.310.3, RSMo, the board shall have complete oversight of and access to the peer review process and report.

AUTHORITY: section[s] 326.271, RSMo 2016, and section 326.289.9, RSMo Supp. [2009] 2021. This rule originally filed as 4 CSR 10-5.080. Original rule filed Nov. 3, 2003, effective June 30, 2004. Moved to 20 CSR 2010-5.080, effective Aug. 28, 2006. Amended: Filed Feb. 23, 2010, effective Aug. 30, 2010. Amended: Filed Feb. 16, 2022.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Board of Accountancy, PO Box 613, Jefferson City, MO 65102, by facsimile at (573) 751-0012, or via email at mosba@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 20—DEPARTMENT OF COMMERCE AND INSURANCE
Division 2010—Missouri State Board of Accountancy
Chapter 5—Peer Review

PROPOSED RESCISSION

20 CSR 2010-5.090 Peer Review Requirements for Renewal of a Firm Permit. This rule clarified the peer review requirements as a condition for renewal of a firm permit.

PURPOSE: The rule is being rescinded to eliminate redundancy of peer review requirements with other rules in the chapter.

AUTHORITY: sections 326.271 and 326.289.9, RSMo Supp. 2009. This rule originally filed as 4 CSR 10-5.090. Original rule filed Nov. 3, 2003, effective June 30, 2004. Moved to 20 CSR 2010-5.090, effective Aug. 28, 2006. Amended: Filed Feb. 23, 2010, effective Aug. 30, 2010. Rescinded: Filed Feb. 16, 2022.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Board of Accountancy, PO Box 613, Jefferson City, MO 65102, by facsimile at (573) 751-0012, or via email at mosba@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 20—DEPARTMENT OF COMMERCE AND INSURANCE
Division 2010—Missouri State Board of Accountancy
Chapter 5—Peer Review

PROPOSED AMENDMENT

20 CSR 2010-5.100 Administration. The board is amending the purpose, sections (1) and (3), and deleting section (4).

PURPOSE: This amendment clarifies peer review requirements.

PURPOSE: This rule [clarifies] establishes the requirements for the administration of the peer review process.

(1) [The Missouri Society of Certified Public Accountants (MSCPA) peer review administration program, or a]Any approved [American Institute for Certified Public Accountants (AICPA)] peer review program[,] may serve as the provider for peer review administration for Missouri firms. Any schedule of charges for the administration of a firm's peer review within this state will be determined without regard to membership in any organization[, including MSCPA or AICPA].

(3) [Annually by June 1] Upon request, the PROB shall provide the board a list of firms that are enrolled in an approved peer review program, a list of firms that have not provided the verifications required by /20 CSR 2010-5.090/ 20 CSR 2010-5.080, and a list of firms terminated from the peer review program. [These firms may be determined to be ineligible for renewal by the board.]

[(4) Firms determined to be ineligible for renewal for failure to be currently enrolled in an approved peer review program, and/or failure to provide the verifications required by 20 CSR 2010-5.090 shall be notified by the board in writing of the reason(s) and shall be advised of its right to file a complaint with the Administrative Hearing Commission.]

AUTHORITY: section[s] 326.271, RSMo 2016, and section 326.289.9, RSMo Supp. [2009] 2021. This rule originally filed as 4 CSR 10-5.100. Original rule filed Nov. 3, 2003, effective June 30, 2004. Moved to 20 CSR 2010-5.100, effective Aug. 28, 2006. Amended: Filed Feb. 23, 2010, effective Aug. 30, 2010. Amended: Filed Feb. 16, 2022.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Board of Accountancy, PO Box 613, Jefferson City, MO 65102, by facsimile at (573) 751-0012, or via email at mosba@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 20—DEPARTMENT OF COMMERCE AND INSURANCE
Division 2010—Missouri State Board of Accountancy
Chapter 5—Peer Review

PROPOSED AMENDMENT

20 CSR 2010-5.110 Oversight. The board is amending the purpose and sections (1) and (2), and deleting sections (5), (6), and (7).

PURPOSE: This amendment eliminates redundant and unnecessary language.

PURPOSE: This rule [clarifies] establishes the requirements for the oversight of the peer review process.

(1) The president of the board [shall] may appoint a Peer Review

Oversight Board (PROB) to ensure that firms comply with the peer review requirements [for firm permit renewal]. All appointments must be approved by a majority of the board. PROB members may be removed at any time by a majority vote of the board for cause. The PROB shall meet as necessary to ascertain that participating firms are successfully undergoing peer review[, are providing the verification required by 20 CSR 2010-5.090, and are eligible for renewal of their firm permit. For the purposes of this rule, "undergoing peer review" shall mean enrolled in a peer review program that has been determined, by the PROB, to meet or exceed the standards of the American Institute of Certified Public Accountants (AICPA) peer review program which has been approved by the board. In addition, a firm undergoing peer review shall have made the verifications required by 20 CSR 2010-5.090] from an approved peer review program.

(2) The PROB will consist of five (5) members who are Missouri licensed certified public accountants. [Initially, the president of the board will appoint one (1) member for a one (1)- year term beginning July 1, 2003 and ending June 30, 2004, two (2) members for a two (2)- year term beginning July 1, 2003 and ending June 30, 2005, and two (2) members for a three (3)- year term beginning July 1, 2003 and ending June 30, 2006. Thereafter, t]The president of the board will appoint members for a three- (3)-/1 year term, however no member shall serve more than ten (10) consecutive years. Annually, the president of the board will appoint a chairman of the PROB from the members of the PROB.

[(5) The peer review standards, requirements, administration, and oversight set forth in 20 CSR 2010-5.070 through 20 CSR 2010-5.110 shall not be applicable to any peer review proceedings conducted pursuant to section 326.310.3, RSMo, unless the board so authorizes on a case-by-case determination.

(6) In conducting a peer review pursuant to section 326.310.3, RSMo the board shall have complete oversight of and access to peer review process and report.

(7) The provisions of this rule are declared severable. If any provision of this rule is held invalid by a court of competent jurisdiction, the remaining provisions of this rule shall remain in full force and effect, unless otherwise determined by a court of competent jurisdiction to be invalid.]

AUTHORITY: section[s] 326.265, 326.271, RSMo 2016, and sections 326.265 and 326.289.9, RSMo Supp. [2009] 2021. This rule originally filed as 4 CSR 10-5.110. Original rule filed Nov. 3, 2003, effective June 30, 2004. Moved to 20 CSR 2010-5.110, effective Aug. 28, 2006. Amended: Filed Feb. 23, 2010, effective Aug. 30, 2010. Amended: Filed Feb. 16, 2022.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Board of Accountancy, PO Box 613, Jefferson City, MO 65102, by facsimile at (573) 751-0012, or via email at mosba@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 20—DEPARTMENT OF COMMERCE AND
INSURANCE**
Division 2110—Missouri Dental Board
Chapter 2—General Rules

PROPOSED AMENDMENT

20 CSR 2110-2.240 Continuing Dental Education. The board is amending subsection (1)(C) and deleting subsection (2)(I).

PURPOSE: *This amendment adds additional providers to the list of board-approved continuing education providers.*

(1) Definitions.

(C) Board-approved sponsors are—

1. American Dental Association (ADA) and its constituent and component societies;
2. Academy of General Dentistry (AGD) and its state and local affiliates;
3. ADA recognized dental specialty organizations and their state and local affiliates;
4. National Dental Association and its state and local affiliates;
5. American Dental Hygienists' Association and its constituents and component societies;
6. National Dental Hygienists' Association and its state and local affiliates;
7. American Medical Association and American Osteopathic Association and their respective state and local societies;
8. American Nurses Association and its state and local affiliates;
9. ADA Commission on Dental Accreditation approved dental, dental hygiene, and dental assisting schools;
10. ADA continuing education recognition program;
11. AGD national sponsor approved program;
12. Federal and state government agencies, including any of the branches of the military;
13. Hospitals accredited by the Joint Commission on Accreditation of Healthcare Organizations;
14. Missouri Public Health Association;
15. American Red Cross;
16. American Heart Association;
17. *[Central Regional Dental Testing Service, Inc. (CRDTS)]* Any regional clinical testing service accepted by the board for initial licensure;

18. Dental Assisting National Board, Inc. (DANB);
19. American Dental Assistants Association and its constituents and component societies; *[and]*

20. American Association of Dental Boards (AADB);
21. Missouri Coalition for Oral Health; and
[20.] Any other sponsor approved by the board pursuant to subsection (2)(B).

(2) In order to renew a license, each dentist shall submit satisfactory evidence of completion of fifty (50) hours of continuing education during the two- (2)-/1 year period immediately preceding the renewal period, and each dental hygienist shall submit satisfactory evidence of completion of thirty (30) hours of continuing education during the two- (2)-/1 year period immediately preceding the renewal period. Any hours acquired beyond the required number may be carried forward into the next time block not to exceed twenty-five (25) hours for dentists and fifteen (15) hours for dental hygienists. Of the fifty (50) hours required for dentists, not less than forty (40) must be hours directly related to the updating and maintaining of knowledge and skills in the treatment, health, and safety of the individual dental patient. Of the thirty (30) hours required for dental hygienists, not less than twenty-five (25) must be hours directly related to the updating and maintaining of knowledge and skills in the treatment, health, and safety of the individual dental patient. One (1) hour of continu-

ing education shall be granted for every fifty to sixty (50–60) minutes of contact (either academic or clinical) instruction.

[(I) Licensees who attend the open session of the Missouri Dental Board's quarterly meetings or an open meeting of the Advisory Commission for Dental Hygienists will receive two (2) hours of continuing education credit per meeting. To qualify, licensees must sign in at the beginning of the open meeting and sign out at the end of the open meeting. These continuing education credits do not qualify as directly related to the updating and maintaining of knowledge and skills in the treatment, health, and safety of the individual dental patient.]

AUTHORITY: sections 332.031, *[RSMo 2000 and sections]* 332.181, and 332.261, *RSMo [Supp. 2010] 2016.* This rule originally filed as 4 CSR 110-2.240. Original rule filed Aug. 30, 1993, effective April 9, 1994. For intervening history, please consult the **Code of State Regulations.** Amended: Filed Feb. 28, 2022.

PUBLIC COST: *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Dental Board, PO Box 1367, Jefferson City, MO 65102, by facsimile at (573) 751-8216, or via email at dental@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register.** No public hearing is scheduled.

**Title 20—DEPARTMENT OF COMMERCE AND
INSURANCE**
Division 2110—Missouri Dental Board
Chapter 4—Sedation

PROPOSED AMENDMENT

20 CSR 2110-4.020 Moderate Sedation. The board is amending sections (8) and (14).

PURPOSE: *This proposed change simplifies the process for renewing a moderate sedation permit.*

(8) To qualify for a permit to administer enteral moderate sedation, a dentist shall—

(A) Document satisfactory completion of—

1. An enteral moderate sedation training course consistent with the *American Dental Association Guidelines for Teaching Pain Control and Sedation to Dentists and Dental Students*; or
2. An ADA-accredited post-doctoral training program that affords training necessary to administer enteral moderate sedation; or
3. An enteral moderate sedation course approved by the Missouri Dental Board; *[and]*

(B) Document—

1. Current certification in Advanced Cardiac Life Support (ACLS); and
2. Completion during the past five (5) years of a minimum of fifteen (15) hours of other board-approved continuing education pertaining to airway management in sedated patients.

3. Additional hours, not to exceed five (5), acquired beyond the required number may be carried forward into the renewal cycle./; and

(C) Successfully complete an evaluation by consultants

appointed by the board.

(14) To renew a permit to administer enteral, parenteral, or pediatric moderate sedation a dentist shall, at least ninety (90) days prior to the expiration of the current permit—

[(B) Obtain a passing grade after completing the American Dental Society of Anesthesiology Conscious Sedation Fellowship Exam or other board-approved exam. The examination must be completed every five (5) years;]

[(C)](B) Submit to the board a minimum of five (5) unedited, complete patient records of the permitted dentist administering enteral, parenteral, or pediatric moderate sedation in the dental office from the preceding five (5) years, documenting management of moderate sedation patients in accordance with the criteria set forth in 20 CSR 2110-4.030;

[(D)](C) Submit the renewal fee specified in 20 CSR 2110-2.170 payable to the Missouri Dental Board; and

[(E)](D) Document—

1. Current certification in Advanced Cardiac Life Support (ACLS); and

2. Completion during the past five (5) years of a minimum of fifteen (15) hours of other board-approved continuing education pertaining to airway management in sedated patients.

3. Additional hours, not to exceed five (5), acquired beyond the required number may be carried forward into the renewal cycle.

AUTHORITY: sections 332.031[,] and 332.071, [and 332.361,] RSMo 2016, and section 332.361, RSMo Supp. 2021. This rule originally filed as 4 CSR 110-4.020. Original rule filed Sept. 15, 2004, effective April 30, 2005. Moved to 20 CSR 2110-4.020, effective Aug. 28, 2006. Rescinded and readopted: Filed July 26, 2012, effective Feb. 28, 2013. Amended: Filed Oct. 4, 2018, effective April 30, 2019. Amended: Filed Feb. 23, 2022.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Dental Board, PO Box 1367, Jefferson City, MO 65102, by facsimile at (573) 751-8216, or via email at dental@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 20—DEPARTMENT OF COMMERCE AND INSURANCE

Division 2230—State Board of Podiatric Medicine

Chapter 2—General Rules

PROPOSED AMENDMENT

20 CSR 2230-2.030 Biennial License Renewal. The board is amending subsection (5)(C).

PURPOSE: This amendment clarifies the continuing education requirements for license renewal.

(5) The following guidelines govern the CME requirements needed to apply for biennial licensure renewal.

(C) Licensees who are required to obtain twenty-four (24) hours of CME credit in a two- (2-) year reporting period may use up to six (6) hours of *[self-study]* **distance learning** CME credit in each

reporting period, in accordance with this rule. Licensees who are required to obtain fifty (50) hours of CME credit in a two- (2-) year reporting period may use up to twelve (12) hours of *[self-study]* **distance learning** CME credit in each reporting period, in accordance with this rule. **Distance learning methods may include, but are not limited to, correspondence courses, online only courses, magazine articles, or other methods where the licensee is not physically present with the course speaker or presenter. Live interactive virtual presentations shall not be considered distance learning courses and as such shall not be restricted.**

AUTHORITY: sections 330.010, 330.070, and 330.140, RSMo 2016. This rule originally filed as 4 CSR 230-2.030. Original rule filed Dec. 23, 1975, effective Jan. 2, 1976. For intervening history, please consult the Code of State Regulations. Amended: Filed Feb. 28, 2022.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Board of Podiatric Medicine, PO Box 1335, Jefferson City, MO 65102, by facsimile at (573) 751-6301, or via email at podiatry@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

This section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order of rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

The agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety-(90-) day period during which an agency shall file its Order of Rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the Proposed Rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

Division 20—Division of Learning Services Chapter 400—Office of Educator Quality

ORDER OF RULEMAKING

By the authority vested in the State Board of Education (board) under section 161.092, RSMo 2016, the board amends a rule as follows:

5 CSR 20-400.210 Application for Certificates of License to Teach on the Basis of Certification by the American Board for Certification of Teacher Excellence (ABCTE) is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2021 (46 MoReg 1956). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

Division 20—Division of Learning Services Chapter 400—Office of Educator Quality

ORDER OF RULEMAKING

By the authority vested in the State Board of Education (board) under

sections 161.092, 168.011, 168.071, 168.081, 168.128, 168.400, 168.405, and 168.409, RSMo 2016, and section 168.021, RSMo Supp. 2021, the board amends a rule as follows:

5 CSR 20-400.260 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2021 (46 MoReg 1956-1958). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Department of Elementary and Secondary Education (department) received a total of ten (10) comments on this proposed amendment. Six (6) of the comments were received from educators and one (1) from an individual. These seven (7) comments suggested expanding the definition of professional development to include micro-credentials. Three (3) comments were received from department staff. These three (3) comments suggested clarifying the definition of professional development.

COMMENTS #1-7: The commenters requested that the following option be added for professional development in 5 CSR 20-400.260 Certificate of License to Teach Classifications in section (4): Achievement of one (1) micro-credential equals fifteen (15) contact hours of professional development.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees that micro-credentials represent a viable option for professional development. The rule has been revised to include professional micro-credentials as meeting the definition of professional development.

COMMENT #8: Department staff requested a clarification of language on the definition of contact hours.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees with the suggested clarification of language and will change “one (1) contact hour for professional development is defined as—” to “contact hours are defined as follows:” in section (4).

COMMENT #9: Department staff requested a clarification of language on the equivalency of sixty (60) minutes of professional development in subsection (4)(A).

RESPONSE AND EXPLANATION OF CHANGE: The department agrees with the suggested clarification of language and will include additional language to indicate that sixty (60) minutes of professional development are equal to one (1) contact hour.

COMMENT #10: Department staff requested consistent language on the definition of contact hours and college credit in subsection (4)(B).

RESPONSE AND EXPLANATION OF CHANGE: The department agrees with the suggested consistency of language and will change “One (1) hour college credit equals fifteen (15) contact hours of professional development” to “One (1) hour college credit is equal to fifteen (15) contact hours of professional development.”

5 CSR 20-400.260 Certificate of License to Teach Classifications

(4) For the purpose of this rule, contact hours are defined as follows:

(A) Sixty (60) minutes of professional development are equal to one (1) contact hour;

(B) One (1) hour college credit is equal to fifteen (15) contact hours of professional development; or

(C) One (1) professional micro-credential is equal to fifteen (15) contact hours of professional development.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION**
Division 25—Office of Childhood
Chapter 300—License-Exempt Child Care Facilities

ORDER OF RULEMAKING

By the authority vested in the State Board of Education (board) under section 161.092, RSMo 2016, and section 210.252, RSMo Supp. 2021, the board amends a rule as follows:

5 CSR 25-300.010 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 15, 2021 (46 MoReg 2130-2131). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Department of Elementary and Secondary Education (department) received one (1) comment on the proposed amendment.

COMMENT #1: An Office of Childhood staff commented that a definition of “parent” needed to be added to 5 CSR 25-300.010.

RESPONSE AND EXPLANATION OF CHANGE: The department concurs and a definition for “parent” will be added.

5 CSR 25-300.010 Definitions Relating to Child Care Facilities

(1) The following definitions shall be used in interpreting the rules of this chapter:

(N) Parent means a child’s biological parent whose parental rights have not been terminated, a step-parent, an adoptive parent, a legal guardian, a caretaker relative, or other person standing *in loco parentis* for the child;

(O) Premises is a house(s), dwelling(s), or building(s) and the adjoining land of a license-exempt child care facility;

(P) Preschool-age child is a child two through five (2-5) years of age not enrolled in kindergarten;

(Q) Religious organization is—

1. A church, synagogue, or mosque;

2. An entity that qualifies for federal tax exemption status as a not-for-profit religious organization under Section 501(c)(3) of the *Internal Revenue Code*; or

3. An entity whose real estate on which the child care facility is located is exempt from taxation because it is used for religious purposes;

(R) Religious organization academic preschool or kindergarten is a child care program provided exclusively for four- (4-) and five- (5-) year-old children that is maintained or operated under the exclusive control of a religious organization;

(S) School-age child is a child five (5) years of age or older who is enrolled in kindergarten or above;

(T) Staff/child ratio is the number of caregivers required in relation to the number of children in care;

(U) Toddler is a child twelve to twenty-four (12-24) months of age; and

(V) Variance is approval by the department for a provider not to be required to meet a specific requirement of the rules of this chapter.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION**
Division 25—Office of Childhood
Chapter 300—License-Exempt Child Care Facilities

ORDER OF RULEMAKING

By the authority vested in the State Board of Education (board) under

section 161.092, RSMo 2016, and sections 210.221 and 210.252, RSMo Supp. 2021, the board rescinds a rule as follows:

5 CSR 25-300.030 Local Inspections is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on November 15, 2021 (46 MoReg 2131). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION**
Division 25—Office of Childhood
Chapter 300—License-Exempt Child Care Facilities

ORDER OF RULEMAKING

By the authority vested in the State Board of Education (board) under section 161.092, RSMo 2016, and section 210.252, RSMo Supp. 2021, the board amends a rule as follows:

5 CSR 25-300.070 Fire Safety Requirements is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 15, 2021 (46 MoReg 2131-2132). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION**
Division 25—Office of Childhood
Chapter 300—License-Exempt Child Care Facilities

ORDER OF RULEMAKING

By the authority vested in the State Board of Education (board) under section 161.092, RSMo 2016, and section 210.252, RSMo Supp. 2021, the board amends a rule as follows:

5 CSR 25-300.080 Sanitation Requirements is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 15, 2021 (46 MoReg 2132). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION**
Division 25—Office of Childhood
Chapter 300—License-Exempt Child Care Facilities

ORDER OF RULEMAKING

By the authority vested in the State Board of Education (board) under

section 161.092, RSMo 2016, and sections 210.221 and 210.252, RSMo Supp. 2021, the board rescinds a rule as follows:

5 CSR 25-300.100 Transportation and Field Trip Requirements is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on November 15, 2021 (46 MoReg 2132). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 25—Office of Childhood
Chapter 300—License-Exempt Child Care Facilities

ORDER OF RULEMAKING

By the authority vested in the State Board of Education (board) under section 161.092, RSMo 2016, and section 210.252, RSMo Supp. 2021, the board amends a rule as follows:

5 CSR 25-300.120 Variance Requests is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 15, 2021 (46 MoReg 2132-2133). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Department of Elementary and Secondary Education (department) received one (1) comment on the proposed amendment.

COMMENT #1: Elisa Zieg commented, “The change reads ‘Section (2) is also updated to clarify that, if a variance request is denied, a facility owner or designee has 30 days to request (a review a decision) to deny a variance and the department will have 15 days to make a final decision about the variance request. If that final decision is to deny the variance request, that denial can be appealed to the circuit court.’ The piece of in parenthesis is where my concern is. It appears to be a grammatical error only. Maybe it is supposed to day- a review OF a decision?”

RESPONSE: The rule text accurately denotes that the facility owner or designee may request a review of the decision within thirty (30) calendar days of receipt of the notification of denial. No changes were made to this amendment in response to this comment.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 25—Office of Childhood
Chapter 400—Licensing Rules for Family Child Care Homes

ORDER OF RULEMAKING

By the authority vested in the State Board of Education (board) under section 161.092, RSMo 2016, and section 210.221, RSMo Supp. 2021, the board amends a rule as follows:

5 CSR 25-400.010 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 15, 2021 (46 MoReg 2133-2134). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Department of Elementary and Secondary Education (department) received one (1) comment on the proposed amendment.

COMMENT #1: An Office of Childhood staff commented that 5 CSR 25-400.010 needed a definition of “parent.”

RESPONSE AND EXPLANATION OF CHANGE: The department concurs and a definition for “parent” will be added.

5 CSR 25-400.010 Definitions

(19) Parent means a child’s biological parent whose parental rights have not been terminated, a step-parent, an adoptive parent, a legal guardian, a caretaker relative, or other person standing in *loco parentis* for the child.

(20) Premises is a house(s), dwelling(s), or building(s) and its adjoining land.

(21) Preschool child is any child two through five (2-5) years of age who is not in kindergarten.

(22) A religious organization is—

(A) A church, synagogue, or mosque;

(B) An entity that qualifies for federal tax exemption status as a not-for-profit religious organization under Section 501(c)(3) of the *Internal Revenue Code*; or

(C) An entity whose real estate on which the child care facility is located is exempt from taxation because it is used for religious purposes.

(23) School-age child is any child five (5) years of age or older who is in kindergarten or above.

(24) Staff/child ratio is the number of caregivers required in relation to the number of children in care.

(25) Toddler is any child twelve to twenty-four (12-24) months of age.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 25—Office of Childhood
Chapter 400—Licensing Rules for Family Child Care Homes

ORDER OF RULEMAKING

By the authority vested in the State Board of Education (board) under section 161.092, RSMo 2016, and section 210.211, RSMo Supp. 2021, the board rescinds a rule as follows:

5 CSR 25-400.015 Exemption of Day Care Facilities is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on November 15, 2021 (46 MoReg 2134). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION**
Division 25—Office of Childhood
**Chapter 400—Licensing Rules for Family
Child Care Homes**

ORDER OF RULEMAKING

By the authority vested in the State Board of Education (board) under section 161.092, RSMo 2016, and section 210.221, RSMo Supp. 2021, the board amends a rule as follows:

5 CSR 25-400.025 Organization and Administration is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 15, 2021 (46 MoReg 2134-2135). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION**
Division 25—Office of Childhood
**Chapter 400—Licensing Rules for Family
Child Care Homes**

ORDER OF RULEMAKING

By the authority vested in the State Board of Education (board) under section 161.092, RSMo 2016, and sections 210.221 and 210.1080, RSMo Supp. 2021, the board amends a rule as follows:

5 CSR 25-400.045 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 15, 2021 (46 MoReg 2135-2136). No changes have been made in the text of the proposed amendment, so it is not reprinted here. However, the material incorporated by reference has been changed. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Department of Elementary and Secondary Education received one (1) comment on the proposed amendment.

COMMENT #1: An Office of Childhood staff commented, “The *Application to Operate a Child Care Facility* form incorporated by reference in 5 CSR 25-400.045(2) has a typo that should be corrected. In the section that says ‘please read prior to signing application,’ item G reads, ‘I/We agree to accept and proved care to children without regard to race, sex, religion, national origin, or disability.’ The word ‘proved’ in this sentence should be ‘provide.’”

RESPONSE AND EXPLANATION OF CHANGE: The *Application for License to Operate a Child Care Facility* form has been revised to fix the typo.

5 CSR 25-400.045 Licensing Process

The *Application for License to Operate a Child Care Facility* form that is incorporated by reference has been updated based on the comment.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION**
Division 25—Office of Childhood
**Chapter 400—Licensing Rules for Family
Child Care Homes**

ORDER OF RULEMAKING

By the authority vested in the State Board of Education (board) under section 161.092, RSMo 2016, and section 210.221, RSMo Supp. 2021, the board amends a rule as follows:

5 CSR 25-400.055 Annual Requirements is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 15, 2021 (46 MoReg 2136). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION**
Division 25—Office of Childhood
**Chapter 400—Licensing Rules for Family
Child Care Homes**

ORDER OF RULEMAKING

By the authority vested in the State Board of Education (board) under sections 161.092 and 210.223, RSMo 2016, and sections 210.221 and 210.1080, RSMo Supp. 2021, the board amends a rule as follows:

5 CSR 25-400.105 The Child Care Provider and Other Child Care Personnel is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 15, 2021 (46 MoReg 2136-2137). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Department of Elementary and Secondary Education (department) received one (1) comment on the proposed amendment.

COMMENT #1: An Office of Childhood staff commented that 5 CSR 25-400.105(1)(J) needs to specify only the staff hired on or after August 30, 2019, must complete the orientation, as that was the effective date of this rule.

RESPONSE: The department concurs; however, because this section was not open for comment, this change will be addressed in a future rulemaking.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION**
Division 25—Office of Childhood
**Chapter 400—Licensing Rules for Family
Child Care Homes**

ORDER OF RULEMAKING

By the authority vested in the State Board of Education (board) under

section 161.092, RSMo 2016, and section 210.221, RSMo Supp. 2021, the board amends a rule as follows:

5 CSR 25-400.115 Child Care Family and Household is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 15, 2021 (46 MoReg 2137). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 25—Office of Childhood
Chapter 400—Licensing Rules for Family
Child Care Homes**

ORDER OF RULEMAKING

By the authority vested in the State Board of Education (board) under section 161.092, RSMo 2016, and section 210.221, RSMo Supp. 2021, the board amends a rule as follows:

5 CSR 25-400.125 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 15, 2021 (46 MoReg 2137-2138). No changes have been made in the text of the proposed amendment, so it is not reprinted here. However, the material incorporated by reference has been changed. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Department of Elementary and Secondary Education received one (1) comment on the proposed amendment.

COMMENT #1: An Office of Childhood staff commented that the *Medical Examination Report for Caregivers and Staff* incorporated by reference in rule 5 CSR 25-400.125(1)(G) needs to be updated so that the tuberculosis (TB) clearance section will allow for the inclusion of results from either a TB Risk Assessment or a negative Tuberculin Skin Test.

RESPONSE AND EXPLANATION OF CHANGE: The *Medical Examination Report for Caregivers and Staff* was revised to allow for the option to submit a *TB Risk Assessment* form or a negative Tuberculin Skin Test.

5 CSR 25-400.125 Medical Examination Reports

The *Medical Examination Report for Caregivers and Staff* form that is incorporated by reference has been updated based on the comment.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 25—Office of Childhood
Chapter 400—Licensing Rules for Family
Child Care Homes**

ORDER OF RULEMAKING

By the authority vested in the State Board of Education (board) under section 161.092, RSMo 2016, and section 210.221, RSMo Supp.

2021, the board amends a rule as follows:

5 CSR 25-400.145 Nighttime Care is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 15, 2021 (46 MoReg 2138). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 25—Office of Childhood
Chapter 400—Licensing Rules for Family
Child Care Homes**

ORDER OF RULEMAKING

By the authority vested in the State Board of Education (board) under section 161.092, RSMo 2016, and section 210.221, RSMo Supp. 2021, the board amends a rule as follows:

5 CSR 25-400.155 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 15, 2021 (46 MoReg 2138-2139). No changes have been made in the text of the proposed amendment, so it is not reprinted here. However, the material incorporated by reference has been changed. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Department of Elementary and Secondary Education received one (1) comment on the proposed amendment.

COMMENT #1: An Office of Childhood staff commented that the *Child Care Facility Overlap Request* form incorporated by reference in rule 5 CSR 25-400.155(3) needs to be updated. Staff recommended the removal of outdated references such as "SCCR," and the updating of staff titles.

RESPONSE AND EXPLANATION OF CHANGE: The *Child Care Facility Overlap Request* has been revised to update outdated terminology within the form.

5 CSR 25-400.155 Overlap Care of Children

The *Child Care Facility Overlap Request* form that is incorporated by reference has been updated based on the comment.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 25—Office of Childhood
Chapter 400—Licensing Rules for Family
Child Care Homes**

ORDER OF RULEMAKING

By the authority vested in the State Board of Education (board) under section 161.092, RSMo 2016, and sections 210.221 and 210.1080, RSMo Supp. 2021, the board amends a rule as follows:

5 CSR 25-400.210 Records and Reports is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 15, 2021 (46 MoReg 2139). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION**
Division 25—Office of Childhood
Chapter 400—Licensing Rules for Family
Child Care Homes

ORDER OF RULEMAKING

By the authority vested in the State Board of Education (board) under section 161.092, RSMo 2016, and section 210.221, RSMo Supp. 2021, the board amends a rule as follows:

5 CSR 25-400.220 Variance Request is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 15, 2021 (46 MoReg 2139-2140). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 7—Security and Surveillance

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under section 313.805, RSMo Supp. 2021, the commission amends a rule as follows:

11 CSR 45-7.130 Non-Gambling Hours is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2021 (46 MoReg 1962). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended December 1, 2021, and the commission held a public hearing on the proposed amendment on December 2, 2021. No one attended the public hearing, and no written comments were received.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 9—Internal Control System

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under section 313.805, RSMo Supp. 2021, the commission amends a rule as follows:

11 CSR 45-9.113 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2021 (46 MoReg 1962-1963). The section with changes is reprinted here. No changes have been made to the text of the proposed revisions of the *Minimum Internal Control Standards* (MICS) as incorporated by reference in Chapter M. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended December 1, 2021, and the commission held a public hearing on the proposed amendment on December 2, 2021. No one attended the public hearing, and no written comments were received. A staff comment was received.

COMMENT #1: Regarding 11 CSR 45-9.113(1), a staff member requested the first sentence be modified to replace “shall adopt and publish” with “has established” for consistency in the verb tense used.

RESPONSE AND EXPLANATION OF CHANGE: Agreed and revised as recommended.

**11 CSR 45-9.113 Minimum Internal Control Standards (MICS)—
Chapter M**

(1) The commission has established minimum standards for internal control procedures that in the commission’s opinion satisfy 11 CSR 45-9.020, as set forth in *Minimum Internal Control Standards* (MICS) Chapter M—Surveillance, which is incorporated by reference and made a part of this rule as adopted by the commission on September 29, 2021, and published by the Missouri Gaming Commission, 3417 Knipp Dr., PO Box 1847, Jefferson City, MO 65102 and which may be accessed at <http://www.mgdc.dps.mo.gov>. This rule does not incorporate any subsequent amendments or additions.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—MO HealthNet Division
**Chapter 3—Conditions of Provider Participation,
Reimbursement, and Procedure of General Applicability**

ORDER OF RULEMAKING

By the authority vested in the Department of Social Services, MO HealthNet Division, under sections 208.201 and 660.017, RSMo 2016, the division adopts a rule as follows:

**13 CSR 70-3.035 Violations Attested to by the Department of
Health and Senior Services is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on November 1, 2021 (46 MoReg 1995-1996). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Department of Social Services, MO HealthNet Division, received four (4) comments on the proposed rule.

COMMENT #1: The Department of Social Services received a comment from Brian Hicks. Mr. Hicks opposes the proposed Medicaid rules from the Department of Health and Senior Services and the Department of Social Services and does not believe the regulations

further the health and safety of Missourians. Mr. Hicks states that he believes it is wrong for the departments to attempt to deny patient access to or freedom to choose any qualified Medicaid provider that they know and trust, including Planned Parenthood. Thousands of patients rely on Planned Parenthood for preventive care, and the administrative rule process should not be used to launch political attacks that harm patients. Mr. Hicks asks that the new regulations, 13 CSR 70-3.035 and 19 CSR 30-30.060, not be adopted as they single out Planned Parenthood and discriminate against patients.

RESPONSE: The Department of Social Services appreciates Mr. Hicks' comment. The department is committed to and will continue to allow its enrolled participants access to any qualified provider. No changes have been made to this proposed rule as a result of this comment.

COMMENT #2: The Department of Social Services received a comment from Michelle Trupiano of the Missouri Family Health Council, Inc. (MFHC). MFHC requests that the department not adopt the proposed new rules, 13 CSR 70-3.035 or 19 CSR 30-30.060, as they single out Planned Parenthood and discriminate against patients. MFHC raised concerns that the proposed rule 13 CSR 70-3.035 is arbitrary and capricious, that it weaponizes the state regulatory process to eliminate qualified providers, that it restricts healthcare, and that the regulatory change would have a negative effect on Missouri's health safety net. MFHC urges the department to examine the impacts of proposed rule 13 CSR 70-3.035, to consider the points made in its comment, and to reject the proposed rule.

RESPONSE: The Department of Social Services appreciates the Missouri Family Health Council's comment. The department is committed to and will continue to allow its enrolled participant's access to any qualified provider. No changes have been made to this proposed rule as a result of this comment.

COMMENT #3: The Department of Social Services received a comment from Mallory Schwarz of Pro-Choice Missouri. Pro-Choice Missouri opposes proposed rules 13 CSR 70-3.035 and 19 CSR 30-30.060. It believes the rules are a thinly veiled effort to attack Planned Parenthood, resulting in discrimination against patients who rely on Planned Parenthood as one of the largest providers of reproductive healthcare services in Missouri. Planned Parenthood provides unique and critical care, and these rules, by targeting Planned Parenthood health centers, will result in discrimination against Medicaid patients who will lose the opportunity to choose their preferred provider and will be a gross overstep and intrusion into Missourians' personal lives and decisions. Pro-Choice Missouri is concerned that if people who rely on Medicaid could no longer get annual exams, cancer screenings, STI tests and treatment, and birth control at Planned Parenthood, then many would have no other place to go for these services. Planned Parenthood is a critical component of the Medicaid health safety net, and one that thousands of Missourians rely on every day. Pro-Choice Missouri opposes these rules and urges DHSS to commit to providing the support Missourians need and deserve.

RESPONSE: The Department of Social Services appreciates Pro-Choice Missouri's comment. The department is committed to and will continue to allow its enrolled participant's access to any qualified provider. No changes have been made to this proposed rule as a result of this comment.

COMMENT #4: The Department of Social Services received a comment from Harvey M. Tettlebaum on behalf of the Missouri Health Care Association (MHCA). MHCA requests that the Department of Social Services revise its proposed rule as it believes the proposed rule goes beyond the concerns raised by the Senate Interim Committee in its September 23, 2021, report. The report described grounds already existing in state regulation that allow for a Medicaid provider to be sanctioned or terminated and described certain violations concerning abortions for which the Interim Committee "strongly urge[d] the Department to act expeditiously with respect to these

regulatory recommendations and promulgate emergency rules." MHCA believes the proposed rule goes beyond the urgent recommendation of the Senate Interim Committee and violates section 536.021, RSMo, and possibly Article I, Section 10 of the *Missouri Constitution*, and does not give those potentially accused of violations of the proposed regulation the opportunity to properly address the accusations nor provides proper standards for compliance. MHCA raises concerns about the ability of the Department of Health and Senior Services to investigate and determine possible violations of 13 CSR 70-3.030(3)(a), as well as the quality of the reporting, the accuracy of information reported, or the relevance of the reported information to potential violations of the MO HealthNet program when compared to other law that requires a separate investigation by the Attorney General of reports by the Department of Health and Senior Services of Class I violations of the licensure laws. MHCA does not believe that the proposed regulation is what was intended in the First Report of the Senate Interim Committee when investigating abortion providers and their family planning affiliates. MHCA believes, based upon the authority cited in the proposed rule, that the intended purpose of the proposed rule is to deal with abortions, and that the cost of training and implementing the proposed rule would exceed five hundred dollars (\$500). If the proposed rule is intended to allow the Department of Health and Senior Services to investigate all matters covered under 13 CSR 70-3.030(3), then MHCA suggests that additional rules governing the process are required under 536.021, RSMo, to ensure providers understand the standards required for compliance. In light of these concerns, the MHCA requests the proposed rule be modified.

RESPONSE: The Department of Social Services appreciates the Missouri Health Care Association's comment. No changes have been made to this proposed rule as a result of this comment.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES

Division 30—Division of Regulation and Licensure Chapter 82—General Licensure Requirements

ORDER OF RULEMAKING

By the authority vested in the Missouri Department of Health and Senior Services under sections 198.018, 198.073, 198.076, and 198.079, RSMo 2016, the department amends a rule as follows:

19 CSR 30-82.010 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 15, 2021 (46 MoReg 2327-2328). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received one (1) staff comment.

COMMENT #1: Department staff commented that in paragraph (3)(B)1., the word "which" should be removed to conform with standard incorporated by reference wording.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees and the word "which" has been removed.

19 CSR 30-82.010 General Licensure Requirements

(3) Licensed Facility Closures.

(B) If any licensed skilled nursing facility or intermediate care facility is required to temporarily close for two (2) years or less from the effective date of the temporary closure due to staffing shortages as a result of a COVID-19 vaccine mandate first issued in emergency

regulation by the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) on November 4, 2021, effective on November 5, 2021, or any amendment changes or amendments thereafter, then the skilled nursing and intermediate care facilities shall do the following:

1. The facility operator shall submit a closure plan to the department which is in compliance with state and federal law, including 42 CFR part 483.15(c) (detailed in federal deficiency F623 in the *State Operations Manual* appendix PP), 42 CFR part 483.70(l) (detailed in federal deficiency F845 in the *State Operations Manual* appendix PP), and 42 CFR 483.70(m) (detailed in federal deficiency F846 in the *State Operations Manual* appendix PP). The *State Operations Manual* appendix PP revised November 22, 2017, is incorporated by reference in this rule, as published by the Centers for Medicare and Medicaid Services and is available at www.cms.gov/Regulations-and-Guidance/Guidance/Manuals/downloads/som107ap_pp_guidelines_1_tcf.pdf or the United States Centers for Medicare & Medicaid Services, 7500 Security Boulevard, Baltimore, Maryland 21244. This rule does not incorporate any subsequent amendments or additions. After review of the temporary closure plan, the department shall either approve or disapprove the plan;

2. Facilities with approved closure plans by the department shall ensure that all residents residing at the facility are provided discharge notices in accordance with federal and state law and the facility shall assist all residents with discharge planning in accordance with federal and state law;

3. Facilities with approved closure plans by the department shall enter into a consent agreement with the department for a probationary license. These facilities shall agree to discharge all residents by the effective date of the temporary closure and to admit no residents while the facility is temporarily closed;

4. Temporary closure of facilities shall not be allowed past two (2) years from the effective date of the temporary closure. The effective date of the temporary closure is the date the last resident left the facility;

5. Facilities shall be reopened within two (2) years of the effective date of the temporary closure. Prior to reopening, the department shall conduct a full survey/inspection and the facility may be approved by the department to reopen after this survey or inspection. Facilities shall not reopen until approved by the department;

6. Facilities shall be reopened by the facility operator which initiated the temporary closure and a change of operator may not occur during this period of temporary closure;

7. Facilities shall submit plans of corrections, applications, licensure, and certification fees in accordance with state law regardless of temporary closure status;

8. Facilities approved by the department to be temporarily closed will be noted as temporarily closed on state directories. The department will communicate temporary closure status of these facilities approved for temporary closure to CMS; and

9. Facilities not approved for temporary closure by the department which have closed or those facilities which stayed closed longer than two (2) years from the effective date of the temporary closure shall be considered closed. The department shall notify the operator in writing requesting the voluntary surrender of the license. If the department does not receive the license within thirty (30) days, it shall be void. If the operator should choose to again license the facility, the operator shall submit a complete application. The provisions of section (1) shall apply.

Title 20—DEPARTMENT OF COMMERCE AND INSURANCE

Division 2220—State Board of Pharmacy

Chapter 2—General Rules

ORDER OF RULEMAKING

By the authority vested in the Missouri Board of Pharmacy under

sections 338.010, 338.035, and 338.140, RSMo Supp. 2021, and sections 338.013 and 338.280, RSMo 2016, the board amends a rule as follows:

20 CSR 2220-2.725 Remote Data Entry is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 15, 2021 (46 MoReg 2336). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The board received two (2) comments on the amendment as reflected below.

COMMENT #1: Board licensee Amber Toomer filed a comment in support of the amendment, and noted the amendment would allow licensees to continue working from home during the pandemic.

RESPONSE: The board agrees with the comment. No changes have been made in response to the comment.

COMMENT #2: Board licensee Melody Savely submitted a verbal comment in support of the amendment, and noted the amendment would allow pharmacies to meet staffing demands during the COVID-19 pandemic.

RESPONSE: The board agrees with the comment. No changes have been made in response to the comment.

Title 22—MISSOURI CONSOLIDATED

HEALTH CARE PLAN

Division 10—Health Care Plan

Chapter 2—State Membership

ORDER OF RULEMAKING

By the authority vested in the Missouri Consolidated Health Care Plan under section 103.059, RSMo 2016, the executive director amends a rule as follows:

22 CSR 10-2.053 Health Savings Account Plan Benefit Provisions and Covered Charges is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 1, 2021 (46 MoReg 2279). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 22—MISSOURI CONSOLIDATED

HEALTH CARE PLAN

Division 10—Health Care Plan

Chapter 2—State Membership

ORDER OF RULEMAKING

By the authority vested in the Missouri Consolidated Health Care Plan under section 103.059, RSMo 2016, the executive director amends a rule as follows:

22 CSR 10-2.055 Medical Plan Benefit Provisions and Covered Charges is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 1, 2021 (46 MoReg 2279-2284). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 22—MISSOURI CONSOLIDATED
HEALTH CARE PLAN**
Division 10—Health Care Plan
Chapter 2—State Membership

ORDER OF RULEMAKING

By the authority vested in the Missouri Consolidated Health Care Plan under section 103.059, RSMo 2016, the executive director amends a rule as follows:

22 CSR 10-2.089 Pharmacy Employer Group Waiver Plan for Medicare Primary Members **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 1, 2021 (46 MoReg 2284). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 22—MISSOURI CONSOLIDATED
HEALTH CARE PLAN**
Division 10—Health Care Plan
Chapter 2—State Membership

ORDER OF RULEMAKING

By the authority vested in the Missouri Consolidated Health Care Plan under section 103.059, RSMo 2016, the executive director amends a rule as follows:

22 CSR 10-2.090 Pharmacy Benefit Summary **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 1, 2021 (46 MoReg 2285-2287). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 22—MISSOURI CONSOLIDATED
HEALTH CARE PLAN**
Division 10—Health Care Plan
Chapter 2—State Membership

ORDER OF RULEMAKING

By the authority vested in the Missouri Consolidated Health Care Plan under section 103.059, RSMo 2016, the executive director amends a rule as follows:

22 CSR 10-2.140 Strive for Wellness® Health Center Provisions, Charges, and Services **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 1, 2021 (46 MoReg 2287). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 22—MISSOURI CONSOLIDATED
HEALTH CARE PLAN**
Division 10—Health Care Plan
Chapter 3—Public Entity Membership

ORDER OF RULEMAKING

By the authority vested in the Missouri Consolidated Health Care Plan under section 103.059, RSMo 2016, the executive director amends a rule as follows:

22 CSR 10-3.055 Health Savings Account Plan Benefit Provisions and Covered Charges **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 1, 2021 (46 MoReg 2287). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 22—MISSOURI CONSOLIDATED
HEALTH CARE PLAN**
Division 10—Health Care Plan
Chapter 3—Public Entity Membership

ORDER OF RULEMAKING

By the authority vested in the Missouri Consolidated Health Care Plan under section 103.059, RSMo 2016, the executive director amends a rule as follows:

22 CSR 10-3.057 Medical Plan Benefit Provisions and Covered Charges **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 1, 2021 (46 MoReg 2287-2292). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 22—MISSOURI CONSOLIDATED
HEALTH CARE PLAN**
Division 10—Health Care Plan
Chapter 3—Public Entity Membership

ORDER OF RULEMAKING

By the authority vested in the Missouri Consolidated Health Care

Plan under section 103.059, RSMo 2016, the executive director amends a rule as follows:

22 CSR 10-3.090 Pharmacy Benefit Summary is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 1, 2021 (46 MoReg 2292-2294). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

The Secretary of State is required by sections 347.141 and 359.481, RSMo, to publish dissolutions of limited liability companies and limited partnerships. The content requirements for the one-time publishing of these notices are prescribed by statute. This listing is published pursuant to these statutes. We request that documents submitted for publication in this section be submitted in camera ready 8 1/2" x 11" manuscript by email to adrules.dissolutions@sos.mo.gov.

**Notice of Winding Up for
Limited Liability Company
to All Creditors of and Claimants Against
Pollock Investments, LLC**

On February 14, 2022, Pollock Investments, LLC, a Missouri limited liability company (the Company) filed a Notice of Winding Up for Limited Liability Company with the Missouri Secretary of State.

Any claims against the Company should be submitted to: Daniel J. Haus, 7926 E. 171st Street, Ste 106, Belton, MO 64012. Each claim must include; the name, address, and telephone number of the claimant; amount and nature of the claim; date upon which the claim arose; and any claim documentation.

All claims against the Company will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

NOTICE OF WINDING UP FOR LIMITED PARTNERSHIP

TO ALL CREDITORS AND CLAIMANTS AGAINST HENSON INVESTMENT COMPANY, L.P., a Missouri limited partnership (the "Partnership"):

You are hereby notified that dissolution of the Partnership was authorized by the partners as of November 28, 2021. All persons having claims against the Partnership must present their claims in writing and mail their claims to:

Kirkland Woods & Martinsen LLP
Attn: Daniel P. Wheeler
132 Westwoods Dr.
Liberty, MO 64068

A claim must include: (1) claimant's name and current address; (2) the amount claimed; (3) the date the claim was incurred; and (4) a clear and concise statement of the facts supporting the claim.

NOTE: CLAIMS AGAINST THE PARTNERSHIP WILL BE BARRED UNLESS A PROCEEDING TO ENFORCE THE CLAIM IS COMMENCED WITHIN THREE (3) YEARS AFTER THE PUBLICATION OF THIS NOTICE.

NOTICE OF DISSOLUTION

PB Chesterfield LLC (“Company”) was dissolved on February 17, 2022. Company requests that claims against Company be presented by letter to: Dan Manning, Doster Ullom & Boyle, LLC, 16150 Main Circle Drive, Chesterfield, Missouri 63017. Claims against Company must include the following: name, address and telephone number of claimant; amount of claim; a description of the basis and nature of claim; and documentation supporting claim. Claims against Company will be barred unless a proceeding to enforce the claim is commenced within three years after this publication.

**NOTICE OF LIMITED LIABILITY
COMPANY DISSOLUTION TO ALL
CREDITORS OF AND CLAIMANTS
AGAINST INSURANCE OF ELLISVILLE, LLC**

On February 18, 2022, Insurance of Ellisville, LLC, a Missouri limited liability company, filed a Notice of Winding Up with the Missouri Secretary of State. The dissolution was effective on December 31, 2019.

In accordance with the Notice of Winding Up, you are hereby notified that if you believe you have a claim against Insurance of Ellisville, LLC, you must submit a written summary of the circumstances surrounding your claim to the company, care of:

Hein Schneider & Bond, P.C.
Attn: Nathan E. Ross, Esq.
2244 S. Brentwood Boulevard
St. Louis, Missouri 63144.

The summary of claim must include the following information: (i) the name, address, telephone number and email address of the claimant, (ii) the amount of the claim; (iii) the date on which the claim arose; (iv) the basis for the claim; and (v) documentation of the claim. A claim against Insurance of Ellisville, LLC will be barred unless a proceeding to enforce such claim is commenced within three years after the publication of this notice.

**NOTICE OF WINDING UP OF LIMITED LIABILITY COMPANY
TO ALL CREDITORS OF AND CLAIMANTS AGAINST
ATOMIC FIZZ SODA POP LLC**

On January 19, 2022, ATOMIC FIZZ SODA POP LLC, a Missouri limited liability company, filed its Notice of Winding Up for Limited Liability Company with the Missouri Secretary of State.

Said limited liability company requests that all persons and organizations who have claims against it present them immediately by letter to the company c/o Josh Hebert, Louisburg Cider Mill, 14730 K68 Highway, Louisburg, KS 66053.

All claims against the company must include: (1) the name, address and phone number of the claimant; (2) the amount claimed; (3) the basis of the claim; (4) the date on which the claim arose; and (5) documentation supporting the claim.

NOTICE: Because of the winding up of ATOMIC FIZZ SODA POP LLC, any claims against it will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication date of the notices authorized by statute, whichever is published last.

**NOTICE OF WINDING UP TO ALL CREDITORS OF AND CLAIMANTS AGAINST
OLD BALDY INVESTMENTS, L.L.C.**

On February 22, 2022, Old Baldy Investments, L.L.C., a Missouri limited liability company, Charter Number LC0075689 (the "Company"), filed its Notice of Winding Up with the Missouri Secretary of State, effective as of the filing date.

All persons or organizations having claims against the Company are required to present them immediately in writing to: Kirkland Woods & Martinsen LLP, Attn: Daniel P. Wheeler, 132 Westwoods Drive, Liberty, Missouri 64068.

Each claim must include: (1) claimant's name and current address; (2) the amount claimed; (3) the date the claim was incurred; and (4) a clear and concise statement of the facts supporting the claim.

NOTE: CLAIMS AGAINST THE COMPANY WILL BE BARRED UNLESS A PROCEEDING TO ENFORCE THE CLAIM IS COMMENCED WITHIN THREE (3) YEARS AFTER THE PUBLICATION OF THIS NOTICE.

**NOTICE OF WINDING UP FOR LIMITED LIABILITY COMPANY
TO ALL CREDITORS OF AND CLAIMANTS AGAINST
ETEGRA-HCS JV 1, LLC**

Etegra-HCS JV 1, LLC, a Missouri limited liability company, filed its Notice of Winding Up for Limited Liability Company with the Missouri Secretary of State on February 16, 2022. Any and all claims against Etegra-HCS JV 1, LLC may be sent to Affinity Law Group, LLC, 1610 Des Peres Road, Suite 100, St. Louis, MO 63131. Each claim must include: (i) the name, address, and telephone number of the claimant; (ii) amount of the claim; (iii) basis for the claim; and (iv) documentation of the claim. A claim against Etegra-HCS JV 1, LLC will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

**NOTICE OF WINDING UP FOR LIMITED LIABILITY COMPANY
TO ALL CREDITORS OF AND CLAIMANTS AGAINST
EJUNIPER JOINT VENTURE, LLC**

eJuniper Joint Venture, LLC, a Missouri limited liability company, filed its Notice of Winding Up for Limited Liability Company with the Missouri Secretary of State on February 16, 2022. Any and all claims against eJuniper Joint Venture, LLC may be sent to Affinity Law Group, LLC, 1610 Des Peres Road, Suite 100, St. Louis, MO 63131. Each claim must include: (i) the name, address, and telephone number of the claimant; (ii) amount of the claim; (iii) basis for the claim; and (iv) documentation of the claim. A claim against eJuniper Joint Venture, LLC will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

**NOTICE OF WINDING UP
TO ALL CREDITORS OF AND CLAIMANTS AGAINST
JCR CONSTRUCTION CO. LLC**

On December 10, 2021, JCR Construction Co. LLC, filed its Notice of Winding Up for JCR Construction Co. LLC with the Missouri Secretary of State. JCR Construction Co. LLC requests that all persons and organizations who have claims against it present them immediately by letter to Cynthia Riddle at 6708 NW Cross Road, Parkville, MO 64152.

All claims must include the following information: (a) name and address of the claimant, (b) the amount claimed, (c) date on which the claim arose, (d) basis for the claim and documentation thereof, and (e) whether or not the claim was secured and, if so, the collateral used as security.

All claims against JCR Construction Co. LLC will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the date of publication of this notice.

**NOTICE OF WINDING UP
TO ALL CREDITORS OF AND CLAIMANTS AGAINST
E. 22ND AVENUE, LLC**

On December 10, 2021, E. 22nd Avenue, LLC, filed its Notice of Winding Up for E. 22nd Avenue, LLC with the Missouri Secretary of State. E. 22nd Avenue, LLC requests that all persons and organizations who have claims against it present them immediately by letter to Cynthia Riddle at 6708 NW Cross Road, Parkville, MO 64152.

All claims must include the following information: (a) name and address of the claimant, (b) the amount claimed, (c) date on which the claim arose, (d) basis for the claim and documentation thereof, and (e) whether or not the claim was secured and, if so, the collateral used as security.

All claims against E. 22nd Avenue, LLC will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the date of publication of this notice.

**NOTICE OF WINDING UP
TO ALL CREDITORS OF AND CLAIMANTS AGAINST
D & R REAL ESTATE PROPERTIES, LLC**

On December 10, 2021, D & R Real Estate Properties, LLC, filed its Notice of Winding Up for D & R Real Estate Properties, LLC with the Missouri Secretary of State. D & R Real Estate Properties, LLC requests that all persons and organizations who have claims against it present them immediately by letter to Cynthia Riddle at 6708 NW Cross Road, Parkville, MO 64152.

All claims must include the following information: (a) name and address of the claimant, (b) the amount claimed, (c) date on which the claim arose, (d) basis for the claim and documentation thereof, and (e) whether or not the claim was secured and, if so, the collateral used as security.

All claims against D & R Real Estate Properties, LLC will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the date of publication of this notice.

**NOTICE OF DISSOLUTION OF LIMITED LIABILITY COMPANY
TO ALL CREDITORS OF AND CLAIMANTS AGAINST
AB COLORADO CROSSROADS COMMERCIAL RETURN, LLC**

On February 25th, 2022, AB Colorado Crossroads Commercial Return, LLC, a Missouri limited liability company (hereinafter the “**Company**”), filed its Notice of Winding Up for a Limited Liability Company with the Missouri Secretary of State.

Any claims against the Company may be sent to: Joan L. Will-Jones, 1111 Main Street, Suite 1600, Kansas City, Missouri, 64105. Each claim must include the following information: name, address and phone number of the claimant; amount claimed; date on which the claim arose; basis for the claim; and documentation in support of the claim

All claims against the Company will be barred unless the proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

**NOTICE OF DISSOLUTION OF LIMITED LIABILITY COMPANY
TO ALL CREDITORS OF AND CLAIMANTS AGAINST
AB COLORADO DEERWOOD RETURN, LLC**

On February 25th, 2022, AB Colorado Deerwood Return, LLC, a Missouri limited liability company (hereinafter the “**Company**”), filed its Notice of Winding Up for a Limited Liability Company with the Missouri Secretary of State.

Any claims against the Company may be sent to: Joan L. Will-Jones, 1111 Main Street, Suite 1600, Kansas City, Missouri, 64105. Each claim must include the following information: name, address and phone number of the claimant; amount claimed; date on which the claim arose; basis for the claim; and documentation in support of the claim

All claims against the Company will be barred unless the proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

NOTICE OF CORPORATION DISSOLUTION

To: All creditors of and claimants against MURSKI FARM, INC.

On **February 17, 2022**, MURSKI FARM, INC., a Missouri corporation, Charter Number **00248779**, was dissolved pursuant to the filing of Articles of Dissolution by the Corporation Division, Missouri Secretary of State

All persons or organizations having claims against MURSKI FARM, INC., are required to present them immediately in writing to:

Gayle Evans, Attorney at Law
CHINNERY EVANS & NAIL, P.C.
800 NE Vanderbilt Lane
Lee's Summit, MO 64064

Each claim must contain the following information:

1. Name and current address of the claimant.
2. A clear and concise statement of the facts supporting the claim.
3. The date the claim was incurred.
4. The amount of money or alternate relief demanded.

NOTE: CLAIMS AGAINST MURSKI FARM, INC., WILL BE BARRED
UNLESS A PROCEEDING TO ENFORCE THE CLAIM IS
COMMENCED WITHIN TWO YEARS AFTER THE
PUBLICATION OF THIS NOTICE.

NOTICE OF DISSOLUTION OF LIMITED LIABILITY COMPANY
TO ALL CREDITORS OF AND CLAIMANTS AGAINST
LS ELIZABETHTON TN RETURN, LLC

On February 25th. 2022, LS Elizabethton TN Return, LLC, a Missouri limited liability company (hereinafter the “Company”), filed its Notice of Winding Up for a Limited Liability Company with the Missouri Secretary of State.

Any claims against the Company may be sent to: Joan L. Will-Jones, 1111 Main Street, Suite 1600, Kansas City, Missouri, 64105. Each claim must include the following information: name, address and phone number of the claimant; amount claimed; date on which the claim arose; basis for the claim; and documentation in support of the claim

All claims against the Company will be barred unless the proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

**NOTICE OF WINDING UP OF LIMITED LIABILITY COMPANY
TO CREDITORS OF AND CLAIMANTS AGAINST VALHALLA HOLDINGS, LLC**

VALHALLA HOLDINGS, LLC, a Missouri limited liability company (the "Company") has dissolved and is in the process of winding up its affairs.

On February 16, 2022, the Company filed a Notice of Winding Up for Limited Liability Company with the Missouri Secretary of State pursuant to RSMo. Section 347.137.

All claims against the Company should be presented in accordance with this notice. Claims should be in writing and mailed to:

Amanda Fick
3315 E. Ridgeview, Ste. 3000
Springfield, MO 65804

The claim must contain: (1) the name, address and telephone number of the claimants; (2) the amount of the claim or other relief demanded; (3) the basis of the claim and any documents related to the claim; and (4) the date(s) as of which the event(s) on which the claim is based occurred. Any and all claims against the Company will be barred unless a proceeding to enforce a claim is commenced within three years after the publication of this notice.

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*. Citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—43 (2018) and 44 (2019). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable, RAN indicates a rule action notice, RUC indicates a rule under consideration, and F indicates future effective date.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
OFFICE OF ADMINISTRATION					
State Officials' Salary Compensation Schedule					
1 CSR 10	Commissioner of Administration	46 MoReg 1373			45 MoReg 1926
1 CSR 10-15.010	Personnel Advisory Board and Division of Personnel		47 MoReg 225		
DEPARTMENT OF AGRICULTURE					
2 CSR 30-10.010	Animal Health	47 MoReg 221	47 MoReg 231		
2 CSR 90-60.020	Weights, Measures and Consumer Protection		47 MoReg 231		
2 CSR 90-60.030	Weights, Measures and Consumer Protection		47 MoReg 231		
2 CSR 90-61.010	Weights, Measures and Consumer Protection		47 MoReg 232		
2 CSR 90-63.010	Weights, Measures and Consumer Protection		47 MoReg 232		
2 CSR 90-63.020	Weights, Measures and Consumer Protection		47 MoReg 233		
2 CSR 90-64.010	Weights, Measures and Consumer Protection		47 MoReg 235		
DEPARTMENT OF CONSERVATION					
3 CSR 10-7.450	Conservation Commission		47 MoReg 67		
3 CSR 10-8.510	Conservation Commission		47 MoReg 68		
3 CSR 10-8.515	Conservation Commission		47 MoReg 118		
3 CSR 10-12.109	Conservation Commission		This Issue		
3 CSR 10-12.110	Conservation Commission		This Issue		
3 CSR 10-12.115	Conservation Commission		This Issue		
3 CSR 10-12.125	Conservation Commission		This Issue		
3 CSR 10-12.135	Conservation Commission		This Issue		
3 CSR 10-12.140	Conservation Commission		This Issue		
3 CSR 10-12.145	Conservation Commission		This Issue		
DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION					
5 CSR 20-100.110	Division of Learning Services		46 MoReg 2242		
5 CSR 20-100.130	Division of Learning Services		47 MoReg 412		
5 CSR 20-100.140	Division of Learning Services		47 MoReg 413R		
5 CSR 20-200.265	Division of Learning Services		47 MoReg 68		
5 CSR 20-200.310	Division of Learning Services <i>formerly 5 CSR 20-500.330</i>		47 MoReg 69		
5 CSR 20-400.210	Division of Learning Services		46 MoReg 1956	This Issue	
5 CSR 20-400.230	Division of Learning Services		46 MoReg 2242		
5 CSR 20-400.260	Division of Learning Services		46 MoReg 1956	This Issue	
5 CSR 20-400.410	Division of Learning Services		46 MoReg 2245R		
5 CSR 20-400.540	Division of Learning Services		46 MoReg 1751	47 MoReg 247	
5 CSR 20-400.660	Division of Learning Services		46 MoReg 2245		
5 CSR 20-400.670	Division of Learning Services		46 MoReg 2247		
5 CSR 20-500.330	Division of Learning Services <i>moved to 5 CSR 20-200.310</i>		47 MoReg 69		
5 CSR 20-700.100	Division of Learning Services		46 MoReg 1752	47 MoReg 247	
5 CSR 25-100.310	Office of Childhood <i>formerly 5 CSR 20-100.310</i>		46 MoReg 1838R	47 MoReg 247R	
5 CSR 25-300.010	Office of Childhood		46 MoReg 2130	This Issue	
5 CSR 25-300.030	Office of Childhood		46 MoReg 2131R	This IssueR	
5 CSR 25-300.070	Office of Childhood		46 MoReg 2131	This Issue	
5 CSR 25-300.080	Office of Childhood		46 MoReg 2132	This Issue	
5 CSR 25-300.100	Office of Childhood		46 MoReg 2132R	This IssueR	
5 CSR 25-300.120	Office of Childhood		46 MoReg 2132	This Issue	
5 CSR 25-400.010	Office of Childhood		46 MoReg 2133	This Issue	
5 CSR 25-400.015	Office of Childhood		46 MoReg 2134R	This IssueR	
5 CSR 25-400.025	Office of Childhood		46 MoReg 2134	This Issue	
5 CSR 25-400.045	Office of Childhood		46 MoReg 2135	This Issue	
5 CSR 25-400.055	Office of Childhood		46 MoReg 2136	This Issue	
5 CSR 25-400.105	Office of Childhood		46 MoReg 2136	This Issue	
5 CSR 25-400.115	Office of Childhood		46 MoReg 2137	This Issue	
5 CSR 25-400.125	Office of Childhood		46 MoReg 2137	This Issue	
5 CSR 25-400.145	Office of Childhood		46 MoReg 2138	This Issue	
5 CSR 25-400.155	Office of Childhood		46 MoReg 2138	This Issue	
5 CSR 25-400.210	Office of Childhood		46 MoReg 2139	This Issue	
5 CSR 25-400.220	Office of Childhood		46 MoReg 2139	This Issue	
5 CSR 25-500.010	Office of Childhood		46 MoReg 2140		
5 CSR 25-500.022	Office of Childhood		46 MoReg 2141R		
5 CSR 25-500.032	Office of Childhood		46 MoReg 2141		
5 CSR 25-500.042	Office of Childhood		46 MoReg 2142		
5 CSR 25-500.052	Office of Childhood		46 MoReg 2143		
5 CSR 25-500.102	Office of Childhood		46 MoReg 2143		
5 CSR 25-500.122	Office of Childhood		46 MoReg 2144		
5 CSR 25-500.152	Office of Childhood		46 MoReg 2145		
5 CSR 25-500.162	Office of Childhood		46 MoReg 2145		
5 CSR 25-500.222	Office of Childhood		46 MoReg 2146		
5 CSR 25-500.230	Office of Childhood		46 MoReg 2147		
5 CSR 25-600.010	Office of Childhood		46 MoReg 2147		
5 CSR 25-600.020	Office of Childhood		46 MoReg 2148		
5 CSR 25-600.040	Office of Childhood		46 MoReg 2148		
5 CSR 25-600.050	Office of Childhood		46 MoReg 2148		
5 CSR 30-680.010	Division of Financial and Administrative Services		46 MoReg 1752	47 MoReg 247	
5 CSR 30-680.020	Division of Financial and Administrative Services		46 MoReg 1754	47 MoReg 248	
5 CSR 30-680.030	Division of Financial and Administrative Services		46 MoReg 1754R	47 MoReg 248R	
5 CSR 30-680.035	Division of Financial and Administrative Services		46 MoReg 1755	47 MoReg 248	

Rule Number	Agency	Emergency	Proposed	Order	In Addition
5 CSR 30-680.040	Division of Financial and Administrative Services		46 MoReg 1755	47 MoReg 248	
5 CSR 30-680.050	Division of Financial and Administrative Services		46 MoReg 1756R	47 MoReg 248R	
5 CSR 30-680.060	Division of Financial and Administrative Services		46 MoReg 1756	47 MoReg 248	
5 CSR 30-680.070	Division of Financial and Administrative Services		46 MoReg 1756	47 MoReg 249	
DEPARTMENT OF HIGHER EDUCATION AND WORKFORCE DEVELOPMENT					
6 CSR 10-2.190	Commissioner of Higher Education and Workforce Development	This Issue			
6 CSR 10-2.195	Commissioner of Higher Education and Workforce Development		46 MoReg 1757	47 MoReg 249	
6 CSR 10-14.010	Commissioner of Higher Education and Workforce Development		46 MoReg 1958	47 MoReg 251	
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS					
8 CSR 20-2.010	Labor and Industrial Relations Commission		47 MoReg 413		
8 CSR 20-3.030	Labor and Industrial Relations Commission		47 MoReg 414		
8 CSR 40-1.010	State Board of Mediation		This Issue		
8 CSR 40-2.010	State Board of Mediation		This Issue		
8 CSR 40-2.020	State Board of Mediation		This IssueR		
8 CSR 40-2.025	State Board of Mediation		This Issue		
8 CSR 40-2.030	State Board of Mediation		This Issue		
8 CSR 40-2.040	State Board of Mediation		This IssueR		
8 CSR 40-2.050	State Board of Mediation		This IssueR		
8 CSR 40-2.055	State Board of Mediation		This IssueR		
8 CSR 40-2.060	State Board of Mediation		This IssueR		
8 CSR 40-2.070	State Board of Mediation		This Issue		
8 CSR 40-2.080	State Board of Mediation		This Issue		
8 CSR 40-2.090	State Board of Mediation		This Issue		
8 CSR 40-2.100	State Board of Mediation		This Issue		
8 CSR 40-2.120	State Board of Mediation		This Issue		
8 CSR 40-2.130	State Board of Mediation		This Issue		
8 CSR 40-2.140	State Board of Mediation		This Issue		
8 CSR 40-2.150	State Board of Mediation		This Issue		
8 CSR 40-2.160	State Board of Mediation		This Issue		
8 CSR 40-2.170	State Board of Mediation		This Issue		
8 CSR 40-2.180	State Board of Mediation		This Issue		
8 CSR 50-5.007	Division of Workers' Compensation		47 MoReg 119		
8 CSR 60-2.025	Missouri Commission on Human Rights		46 MoReg 1838	47 MoReg 376	
8 CSR 60-2.100	Missouri Commission on Human Rights		46 MoReg 1839	47 MoReg 376	
DEPARTMENT OF NATURAL RESOURCES					
10 CSR 10-5.381	Air Conservation Commission		46 MoReg 1840		
10 CSR 10-5.490	Air Conservation Commission		46 MoReg 2249		
10 CSR 10-6.062	Air Conservation Commission		46 MoReg 2260		
10 CSR 10-6.210	Air Conservation Commission		47 MoReg 235		
10 CSR 10-6.300	Air Conservation Commission		46 MoReg 1590R	47 MoReg 128R	
10 CSR 10-6.310	Air Conservation Commission		46 MoReg 2263		
DEPARTMENT OF PUBLIC SAFETY					
11 CSR 30-7.020	Missouri Gaming Commission		47 MoReg 14		
11 CSR 45-1.090	Missouri Gaming Commission		This Issue		
11 CSR 45-5.184	Missouri Gaming Commission		47 MoReg 306		
11 CSR 45-5.190	Missouri Gaming Commission		This Issue		
11 CSR 45-5.210	Missouri Gaming Commission		This Issue		
11 CSR 45-5.215	Missouri Gaming Commission		This Issue		
11 CSR 45-5.225	Missouri Gaming Commission		This Issue		
11 CSR 45-5.265	Missouri Gaming Commission		47 MoReg 307		
11 CSR 45-7.130	Missouri Gaming Commission		46 MoReg 1962	This Issue	
11 CSR 45-9.104	Missouri Gaming Commission		47 MoReg 307		
11 CSR 45-9.108	Missouri Gaming Commission		This Issue		
11 CSR 45-9.113	Missouri Gaming Commission		46 MoReg 1962	This Issue	
11 CSR 45-9.118	Missouri Gaming Commission		This Issue		
11 CSR 45-9.119	Missouri Gaming Commission		This Issue		
11 CSR 45-9.121	Missouri Gaming Commission		This Issue		
11 CSR 45-9.123	Missouri Gaming Commission		46 MoReg 1759	47 MoReg 128	
11 CSR 70-2.010	Division of Alcohol and Tobacco Control		47 MoReg 310		
11 CSR 70-2.020	Division of Alcohol and Tobacco Control		47 MoReg 311		
11 CSR 70-2.030	Division of Alcohol and Tobacco Control		47 MoReg 312		
11 CSR 70-2.050	Division of Alcohol and Tobacco Control		47 MoReg 313		
11 CSR 70-2.060	Division of Alcohol and Tobacco Control		47 MoReg 314		
11 CSR 70-2.070	Division of Alcohol and Tobacco Control		47 MoReg 315		
11 CSR 70-2.080	Division of Alcohol and Tobacco Control		47 MoReg 315		
11 CSR 70-2.090	Division of Alcohol and Tobacco Control		47 MoReg 316		
11 CSR 70-2.100	Division of Alcohol and Tobacco Control		47 MoReg 317		
11 CSR 70-2.190	Division of Alcohol and Tobacco Control				46 MoReg 2192
11 CSR 90-2.010	Missouri 911 Service Board	46 MoReg 1713	46 MoReg 1759		
			47 MoReg 236		
DEPARTMENT OF REVENUE					
12 CSR 10-1.020	Director of Revenue		47 MoReg 317		
12 CSR 10-2.067	Director of Revenue		46 MoReg 2149	47 MoReg 376	
12 CSR 10-2.085	Director of Revenue		46 MoReg 2152R	47 MoReg 376R	
12 CSR 10-2.230	Director of Revenue		46 MoReg 2152R	47 MoReg 376R	
12 CSR 10-8.010	Director of Revenue		47 MoReg 70R		
12 CSR 10-8.020	Director of Revenue		47 MoReg 70R		
12 CSR 10-8.030	Director of Revenue		47 MoReg 70R		
12 CSR 10-8.120	Director of Revenue		47 MoReg 71R		
12 CSR 10-8.160	Director of Revenue		47 MoReg 71R		
12 CSR 10-8.170	Director of Revenue		47 MoReg 71R		
12 CSR 10-8.180	Director of Revenue		47 MoReg 71R		
12 CSR 10-8.190	Director of Revenue		47 MoReg 72R		
12 CSR 10-25.120	Director of Revenue		46 MoReg 1963	47 MoReg 252	
12 CSR 10-26.230	Director of Revenue	46 MoReg 1713	46 MoReg 1759		
			47 MoReg 83		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
12 CSR 10-26.231	Director of Revenue		47 MoReg 318		47 MoReg 385
12 CSR 10-41.010	Director of Revenue	46 MoReg 2111	46 MoReg 2152	47 MoReg 377	
12 CSR 10-104.030	Director of Revenue		46 MoReg 2156	47 MoReg 377	
12 CSR 10-108.300	Director of Revenue		46 MoReg 2156	47 MoReg 377	
12 CSR 10-111.060	Director of Revenue		46 MoReg 2157	47 MoReg 377	
12 CSR 30-4.010	Sate Tax Commission		47 MoReg 122		
DEPARTMENT OF SOCIAL SERVICES					
13 CSR 10-3.040	Division of Finance and Administrative Services		46 MoReg 1761	47 MoReg 252	
13 CSR 10-3.050	Division of Finance and Administrative Services		46 MoReg 1762	47 MoReg 253	
13 CSR 35-71.010	Children's Division	46 MoReg 1907	46 MoReg 1964	47 MoReg 254	
13 CSR 35-71.015	Children's Division	46 MoReg 1909	46 MoReg 1966	47 MoReg 254	
13 CSR 35-71.020	Children's Division	46 MoReg 1917	46 MoReg 1974	47 MoReg 264	
13 CSR 35-71.030	Children's Division	46 MoReg 1920	46 MoReg 1977	47 MoReg 267	
13 CSR 35-71.045	Children's Division	46 MoReg 1924	46 MoReg 1980	47 MoReg 268	
13 CSR 35-71.150	Children's Division	47 MoReg 5	47 MoReg 14		
13 CSR 35-71.300	Children's Division	46 MoReg 1928	46 MoReg 1983	47 MoReg 271	
13 CSR 35-73.010	Children's Division	46 MoReg 1932	46 MoReg 1987	47 MoReg 273	
13 CSR 35-73.012	Children's Division	46 MoReg 1933	46 MoReg 1989	47 MoReg 273	
13 CSR 35-73.017	Children's Division	46 MoReg 1936	46 MoReg 1990	47 MoReg 275	
13 CSR 35-73.030	Children's Division	46 MoReg 1939	46 MoReg 1994	47 MoReg 276	
13 CSR 35-73.035	Children's Division	46 MoReg 1940	46 MoReg 1994	47 MoReg 276	
13 CSR 40-2.015	Family Support Division	46 MoReg 325	46 MoReg 1094W		
		46 MoReg 2114	46 MoReg 2158	47 MoReg 445	
13 CSR 40-7.010	Family Support Division	46 MoReg 327	46 MoReg 1338W		
		46 MoReg 2159	47 MoReg 445		
13 CSR 40-7.050	Family Support Division	46 MoReg 2115	46 MoReg 2159	47 MoReg 445	
13 CSR 65-2.010	Missouri Medicaid and Audit Compliance		46 MoReg 1763	47 MoReg 129	
13 CSR 65-2.020	Missouri Medicaid and Audit Compliance		46 MoReg 1767		
13 CSR 65-2.030	Missouri Medicaid and Audit Compliance		46 MoReg 1772	47 MoReg 276	
13 CSR 70-1.010	MO HealthNet Division		46 MoReg 1858	47 MoReg 130	
13 CSR 70-3.020	MO HealthNet Division		46 MoReg 1773R	47 MoReg 276R	
13 CSR 70-3.035	MO HealthNet Division	46 MoReg 1941	46 MoReg 1995	This Issue	
13 CSR 70-3.120	MO HealthNet Division		46 MoReg 1675		
			47 MoReg 237		
13 CSR 70-3.140	MO HealthNet Division		46 MoReg 1774	47 MoReg 276	
13 CSR 70-3.180	MO HealthNet Division		46 MoReg 1675		
			47 MoReg 237		
13 CSR 70-3.200	MO HealthNet Division	46 MoReg 1715	46 MoReg 1774		
13 CSR 70-3.230	MO HealthNet Division		47 MoReg 22		
13 CSR 70-3.260	MO HealthNet Division		46 MoReg 1865	47 MoReg 130	
	moved to 13 CSR 70-25.150				
13 CSR 70-3.330	MO HealthNet Division		47 MoReg 22		
13 CSR 70-4.050	MO HealthNet Division		46 MoReg 1775R	47 MoReg 277R	
13 CSR 70-4.100	MO HealthNet Division		46 MoReg 1676		
			47 MoReg 238		
13 CSR 70-4.110	MO HealthNet Division		46 MoReg 1677		
			47 MoReg 238		
13 CSR 70-4.120	MO HealthNet Division		46 MoReg 1678		
			47 MoReg 240		
13 CSR 70-6.020	MO HealthNet Division		46 MoReg 1996	47 MoReg 445	
13 CSR 70-10.016	MO HealthNet Division	46 MoReg 1829	46 MoReg 1868	47 MoReg 130	
13 CSR 70-15.015	MO HealthNet Division	46 MoReg 1715	46 MoReg 1775	47 MoReg 277	
13 CSR 70-15.020	MO HealthNet Division		46 MoReg 1679		
			47 MoReg 241		
13 CSR 70-15.030	MO HealthNet Division		47 MoReg 241		
13 CSR 70-15.040	MO HealthNet Division		46 MoReg 1999	47 MoReg 446	
13 CSR 70-15.070	MO HealthNet Division	46 MoReg 1667	46 MoReg 1680	47 MoReg 277	
13 CSR 70-15.110	MO HealthNet Division	46 MoReg 1718	46 MoReg 1778	47 MoReg 377	
13 CSR 70-20.031	MO HealthNet Division	46 MoReg 2219	46 MoReg 2274	47 MoReg 446	
13 CSR 70-25.150	MO HealthNet Division	formerly 13 CSR 70-3.260	46 MoReg 1865	47 MoReg 130	
13 CSR 70-65.010	MO HealthNet Division		46 MoReg 1685		
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13 CSR 70-90.010	MO HealthNet Division	46 MoReg 2116	46 MoReg 2161	47 MoReg 446	
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15 CSR 30-51.172	Secretary of State		46 MoReg 2275	47 MoReg 447	
15 CSR 50-1.010	Treasurer		47 MoReg 72		
15 CSR 50-4.010	Treasurer		46 MoReg 2161	47 MoReg 279	
15 CSR 50-4.020	Treasurer		46 MoReg 2162	47 MoReg 279	
15 CSR 50-4.030	Treasurer		46 MoReg 2164	47 MoReg 279	
15 CSR 50-5.010	Treasurer		47 MoReg 318		
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19 CSR 15-4.040	Division of Senior and Disability Services		47 MoReg 335		
19 CSR 15-4.050	Division of Senior and Disability Services		47 MoReg 335		

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19 CSR 15-4.070	Division of Senior and Disability Services		47 MoReg 337		
19 CSR 15-4.080	Division of Senior and Disability Services		47 MoReg 338		
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19 CSR 15-7.040	Division of Senior and Disability Services <i>moved to 19 CSR 15-4.410</i>		47 MoReg 356		
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20 CSR	Non-Economic Damages in Medical Malpractice Cap				47 MoReg 385
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20 CSR 2030-16.020	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects		47 MoReg 242		
20 CSR 2030-16.030	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects		47 MoReg 243		

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20 CSR 2110-2.240	Missouri Dental Board	This Issue			
20 CSR 2110-4.020	Missouri Dental Board	This Issue			
20 CSR 2115-2.062	State Committee of Dietitians		47 MoReg 73R		
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20 CSR 2200-8.130	State Board of Nursing		47 MoReg 440		
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20 CSR 2250-8.070	Missouri Real Estate Commission		46 MoReg 2018	47 MoReg 381W	
20 CSR 2263-2.030	State Committee for Social Workers		47 MoReg 375		
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20 CSR 2270-2.072	Missouri Veterinary Medical Board		47 MoReg 74R		

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22 CSR 10-2.053	Health Care Plan	46 MoReg 2220	46 MoReg 2279	This Issue
22 CSR 10-2.055	Health Care Plan	46 MoReg 2221	46 MoReg 2279	This Issue

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22 CSR 10-2.090	Health Care Plan	46 MoReg 2227	46 MoReg 2285	This Issue	
22 CSR 10-2.140	Health Care Plan	46 MoReg 2229	46 MoReg 2287	This Issue	
22 CSR 10-3.055	Health Care Plan	46 MoReg 2230	46 MoReg 2287	This Issue	
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6 CSR 10-2.190	A + Scholarship ProgramThis Issue	March 3, 2022
			Aug. 29, 2022
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12 CSR 10-41.010	Annual Adjusted Rate of Interest46 MoReg 2111	Jan. 1, 2022
			June 29, 2022
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13 CSR 35-71.010	Definitions and Principles Generally Applicable to this Chapter46 MoReg 1907	Oct. 1, 2021
			March 29, 2022
13 CSR 35-71.015	Background Checks for Personnel of Residential Care Facilities and Child Placing Agencies . . . . .	.46 MoReg 1909	Oct. 1, 2021
			March 29, 2022
13 CSR 35-71.020	Basic Residential Treatment for Children and Youth Core Requirements (Applicable To All Agencies)-Basis for Licensure and Licensing Procedures . . . . .	.46 MoReg 1917	Oct. 1, 2021
			March 29, 2022
13 CSR 35-71.030	Hearings and Judicial Review . . . . .	.46 MoReg 1920	Oct. 1, 2021
			March 29, 2022
13 CSR 35-71.045	Personnel . . . . .	.46 MoReg 1924	Oct. 1, 2021
			March 29, 2022
13 CSR 35-71.150	Designation Rules for Qualified Residential Treatment Programs . . . . .	.47 MoReg 5	Dec. 6, 2021
			June 3, 2022
13 CSR 35-71.300	Notification Requirements for License-Exempt Residential Care Facilities . . . . .	.46 MoReg 1928	Oct. 1, 2021
			March 29, 2022
13 CSR 35-73.010	Scope and Definitions . . . . .	.46 MoReg 1932	Oct. 1, 2021
			March 29, 2022
13 CSR 35-73.012	Basis for Licensure and Licensing Procedures . . . . .	.46 MoReg 1933	Oct. 1, 2021
			March 29, 2022
13 CSR 35-73.017	Hearings and Judicial Review46 MoReg 1936	Oct. 1, 2021
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13 CSR 35-73.030	Personnel Practices and Personnel46 MoReg 1939	Oct. 1, 2021
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13 CSR 35-73.035	Staff Qualifications and Requirements46 MoReg 1940	Oct. 1, 2021
			March 29, 2022
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13 CSR 40-2.015	Authorized Representatives46 MoReg 2114	Oct. 20, 2021
			April 17, 2022
13 CSR 40-7.010	Scope and Definitions46 MoReg 2114	Oct. 20, 2021
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13 CSR 40-7.050	Presumptive Eligibility46 MoReg 2115	Oct. 20, 2021
			April 17, 2022
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13 CSR 65-2.020	Provider Enrollment and ApplicationNext Issue	March 30, 2022
			Sept. 26, 2022
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13 CSR 70-3.035	Violations Attested to by the Department of Health and Senior Services46 MoReg 1941	Oct. 18, 2021
			April 15, 2022
13 CSR 70-10.016	Global Per Diem Adjustments to Nursing Facility and HIV Nursing Facility Reimbursement Rates . . . . .	.46 MoReg 1829	Sept. 27, 2021
			March 25, 2022
13 CSR 70-20.031	List of Drugs for Which Prior Authorization Is Required and Drugs Excluded from Coverage Under the MO HealthNet Pharmacy Program . . . . .	.46 MoReg 2219	Nov. 4, 2021
			May 2, 2022
13 CSR 70-15.070	Inpatient Psychiatric Services for Individuals Under Age Twenty-One . . . . .	.46 MoReg 1667	Sept. 29, 2021
			March 27, 2022
13 CSR 70-90.010	Home Health-Care Services46 MoReg 2116	Oct. 20, 2021
			April 17, 2022
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19 CSR 20-20.020	Reporting Infectious, Contagious, Communicable, or Dangerous Diseases47 MoReg 115	Jan. 18, 2022
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19 CSR 30-1.002	Schedules of Controlled Substances46 MoReg 1941	Oct. 13, 2021
			April 10, 2022
19 CSR 30-30.060	Standards for the Operation of the Abortion Facilities . . . . .	.46 MoReg 1954	Oct. 13, 2021
			April 10, 2022
19 CSR 30-81.030	Evaluation and Assessment Measures for Title XIX Recipients46 MoReg 2117	Oct. 29, 2021
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19 CSR 30-82.010	General Licensure Requirements46 MoReg 2323	Nov. 29, 2021
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20 CSR 2220-2.200	Sterile Compounding47 MoReg 409	Feb. 24, 2022
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20 CSR 2220-2.725	Remote Entry Data47 MoReg 303	Feb. 4, 2022
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22 CSR 10-2.053	Health Savings Account Plan Benefit Provisions and Covered Charges	46 MoReg 2220	Jan. 1, 2022 June 29, 2022
22 CSR 10-2.055	Medical Plan Benefit Provisions and Covered Charges	46 MoReg 2221	Jan. 1, 2022 June 29, 2022
22 CSR 10-2.089	Pharmacy Employer Group Waiver Plan for Medicare Primary Members	46 MoReg 2226	Jan. 1, 2022 June 29, 2022
22 CSR 10-2.090	Pharmacy Benefit Summary	46 MoReg 2227	Jan. 1, 2022 June 29, 2022
22 CSR 10-2.140	Strive for Wellness® Health Center Provisions, Charges, and Services	46 MoReg 2229	Jan. 1, 2022 June 29, 2022
22 CSR 10-3.055	Health Savings Account Plan Benefit Provisions and Covered Charges	46 MoReg 2230	Jan. 1, 2022 June 29, 2022
22 CSR 10-3.057	Medical Plan Benefit Provisions and Covered Charges	46 MoReg 2230	Jan. 1, 2022 June 29, 2022
22 CSR 10-3.090	Pharmacy Benefit Summary	46 MoReg 2235	Jan. 1, 2022 June 29, 2022

**Executive
Orders****Subject Matter****Filed Date****Publication****2022**

22-03	Terminates the State of Emergency declared in Executive Order 22-02.	February 7, 2022	47 MoReg 411
22-02	Declares a State of Emergency and directs the Missouri State Emergency Operations Plan be activated due to forecasted severe winter storm systems.	February 1, 2022	47 MoReg 304
22-01	Establishes and Designates the Missouri Early Childhood State Advisory Council.	January 7, 2022	47 MoReg 222

2021

21-13	Creates and establishes the Missouri Supply Chain Task Force.	November 22, 2021	47 MoReg 12
21-12	Designates members of his staff to have supervisory authority over departments, divisions and agencies of state government.	November 5, 2021	46 MoReg 2325
21-11	Orders state offices to be closed on Friday, November 26, 2021.	November 2, 2021	46 MoReg 2241
21-10	Orders steps to oppose federal COVID-19 vaccine mandates within all agencies, boards, commissions, and other entities within the executive branch of state government.	October 28, 2021	46 MoReg 2239
21-09	Terminates the state of emergency declared in Executive Order 20-02, declares a state of emergency, suspends certain regulations related to telemedicine and physical presence for executing documents, and allows state agencies to waive some regulatory requirements.	August 27, 2021	46 MoReg 1727
21-08	Designates members of his staff to have supervisory authority over departments, divisions and agencies of state government	August 10, 2021	46 MoReg 1673
Proclamation	Convenes the First Extra Session of the First Regular Session of the One Hundred and First General Assembly for extending the Federal Reimbursement Allowances (FRA) and related allowances, taxes, and assessments necessary for funding MO HealthNet	June 22, 2021	46 MoReg 1447
21-07	Extends Executive Order 20-02, Executive Order 20-04, Executive Order 20-05, Executive Order 20-06, and Executive Order 20-14 until August 31, 2021	March 26, 2021	46 MoReg 750
21-06	Creates and establishes the Show Me Strong Recovery Task Force and rescinds Executive Order	March 22, 2021	46 MoReg 748
21-05	Designates members of his staff to have supervisory authority over departments, divisions and agencies of state government	February 24, 2021	46 MoReg 605
21-04	Extends Executive Order 21-03 until February 28, 2021 and terminates Executive Order 20-17.	February 19, 2021	46 MoReg 603
21-03	Declares a State of Emergency and exempts hours of service requirements for vehicles transporting residential heating fuel until February 21, 2021	February 11, 2021	46 MoReg 495
21-02	Establishes the Office of Childhood within the Department of Elementary and Secondary Education	January 28, 2021	46 MoReg 394
21-01	Terminates Executive Orders 03-11 and 02-05, and modifies provisions of Executive Order 05-06	January 7, 2021	46 MoReg 314

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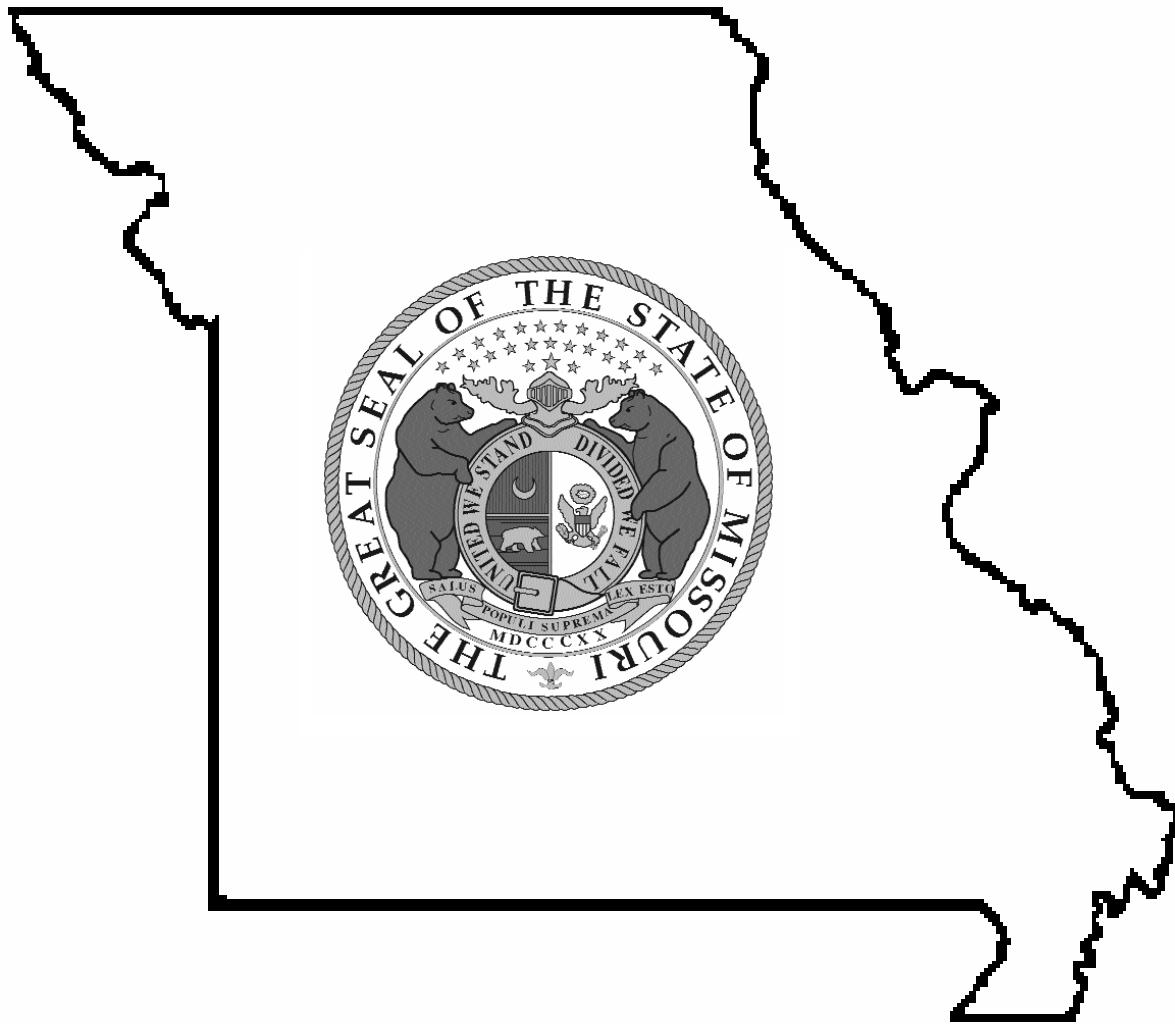
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**JOHN R. ASHCROFT
SECRETARY OF STATE**

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Administrative Rules Contact Information

General Inquiries

(573) 751-4015

rules@sos.mo.gov

Curtis W. Treat, Editor-in-Chief

(573) 751-2022

curtis.treat@sos.mo.gov

Stephanie Martin, Managing Editor

(573) 522-2196

stephanie.martin@sos.mo.gov

Jacqueline D. White, Publication Specialist II

(573) 526-1259

jacqueline.white@sos.mo.gov

Vonne Kilbourn, Editor II

(573) 751-1818

vonne.kilbourn@sos.mo.gov

Jennifer Alex Moore, Editor

(573) 522-2593

jennifer.moore@sos.mo.gov

Tammy Winkelmann, Administrative Aide III

(573) 751-4015

tammy.winkelmann@sos.mo.gov